MARYLAND HISTORICAL MAGAZINE

VOL. 57, NO. 2 JUNE, 1962

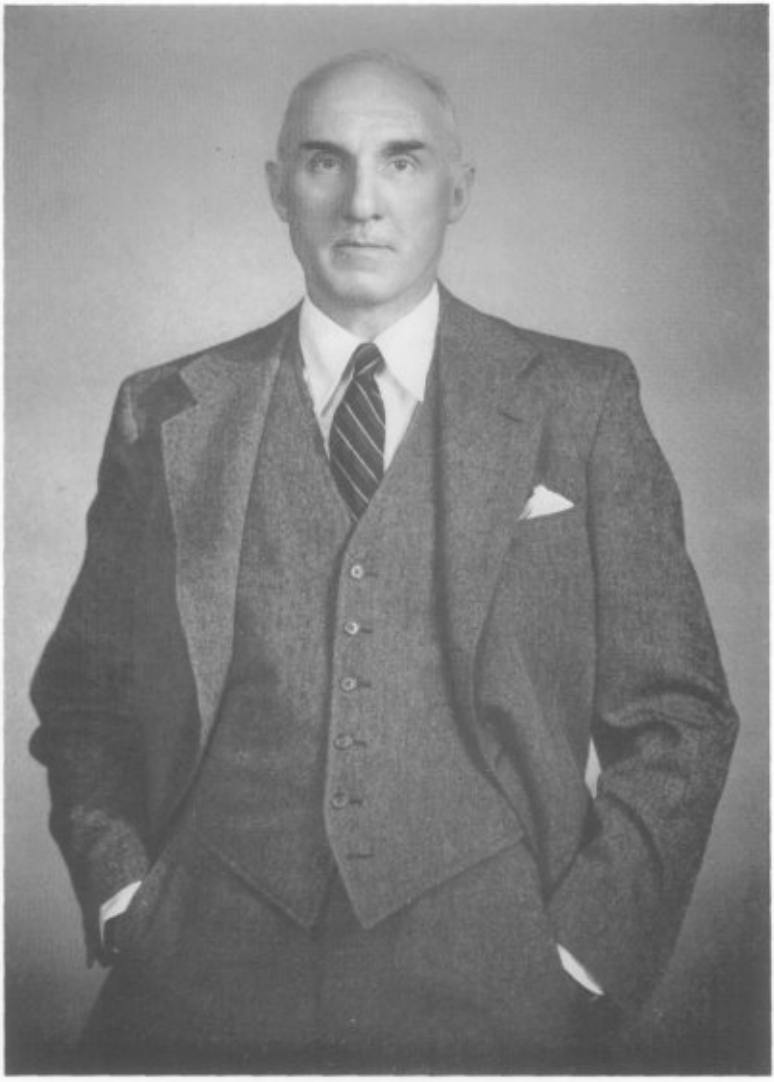
CONTENTS

Annual Subscription to the Magazine, $4.00. Each issue $1.00. The Magazine assumes no responsibility for statements or opinions expressed in its pages.

Richard Walsh, *Editor*

C. A. Porter Hopkins, *Asst. Editor*

Published quarterly by the Maryland Historical Society, 201 W. Monument Street, Baltimore 1, Md. Second-class postage paid at Baltimore, Md.



JAMES W. FOSTER

(1890–1962)

MARYLAND HISTORICAL MAGAZINE

A Quarterly

Volume 57 JUNE, 1962 Number 2

JAMES W. FOSTER

The *Magazine* most deeply regrets to announce the sudden death of Mr. James W. Foster, Director of the Maryland Historical Society, on April 30, 1962.

James W. Foster's career was one of unstinting and devoted service to his community and fellow scholars. Born in Virginia in 1890, he attended Episcopal High School of Alexandria and matriculated at the University of Virginia from which he received the Master of Arts degree. He came to Baltimore in 1913 and worked as a reporter on the Baltimore *News*. World War I interrupted this journalistic venture and he enlisted in the 58th Coast Artillery and served in France as a company commander. At the end of the war returning to Baltimore his adopted city, he worked for a time in the circulation department of the newspaper and then left to engage in the brokerage business. But he joined the staff of the

Enoch Pratt Free Library in 1931, and there followed his first love, history, writing several articles and lecturing chiefly on Maryland's past.

It was his work as associate head of the library's Maryland Room, whose special collection he had helped to organize, that brought him to the attention of the officers of the Maryland Historical Society. After having taken on the editorship of the *Maryland Historical Magazine* in 1938, he was offered the directorship of the Society in 1942, and at the urging of its President, the then United States Senator, George L. Radcliffe, he accepted the position.

Laboring with skill and untiring energy and zeal, and acting in harmony with the membership and President Radcliffe, the new director embarked on a program of expansion that was to place the Society among the foremost historical organizations in the country. He dearly loved young people and carried on an extensive and unique lecture series for elementary school children, giving to them an unforgettable awareness of their local and national history. Lectures for adults captured the imagination alike of members and non-members of the Society. He never lost sight of the duty to scholarship. The printed collection of books and pamphlets was constantly augmented, and he catalogued and arranged many of the growing number of priceless manuscripts in the Library's holdings. One of the recent tasks which greatly pleased him was the planning of a new extension to the library in which a modern manuscripts division largely figured. He was also interested in the museum aspects of the Society, for he realized that material things lead to ideas.

James W. Foster, as the Society reflected his philosophy of living history, was a good social historian. His editorship of the *Magazine* evidences this best. Under his hand, the *Magazine* was unburdened of the unassimilated, merely printed documents and political essays which had borne witness to the crusty scientific school of history. Under his editorship, the *Magazine* revealed the New Historical approach by describing the life of a people which gives ample and special meaning to the history of a democratic society. The *Magazine* became bet-

ter balanced and more attractive and contributed far more widely to the field.[1]

As a writer, his major field of concentration was the early American period on which he had done several informative pieces. His book on Fielding Lucas pointed up a much neglected area of study, that of early American printing.[2] But Mr. Foster's *magnum opus* was to be a biography of George Calvert. This subject had been the product of more than twenty years of research both here and abroad. It was his stated intention upon the announcement of his coming retirement to complete it, as he was close to the writing stages of the book. His recent article: "The Boyhood of George Calvert"[3] foretold an excellent study handled with good style and painstaking care.

The scholarly world and members of the Society will mourn the passing of a fine scholar, a devoted and cheerful aider and promoter of scholarship, and a gentleman in James W. Foster.

R. W.

[1] *Md. Hist. Mag.*, 1938-1949, XXXIII-XLIV.
[2] *Fielding Lucas, Jr., Early 19th Century Publisher.*
[3] *Md. Hist. Mag, LV* (Dec. 1960), 261-274.

SAM CHASE, "DISTURBER"

By Francis F. Beirne

"A BUSY restless Incendiary—a Ringleader of Mobs—a foul mouth'd and inflaming Son of Discord and Passion — a common Disturber of the public Tranquility."

This denunciation, directed at Samuel Chase, appeared in the *Maryland Gazette* of June 19, 1766, in an article bearing the signatures of the mayor and aldermen of the city of Annapolis. It was a by-product of the heated controversy over the Stamp Act which served as prologue to the struggle for American independence, and it was provoked by charges preferred against the city fathers in the same journal several months before.

Under the charter [1] granted Annapolis by Queen Anne the little metropolis on the Severn River was given the status of a city; the mayor and aldermen sat periodically as the Mayor's Court, a tribunal which concerned itself primarily with the enforcement of the city ordinances and the petty disputes between citizens. Theirs was a somewhat thankless task whose reward rested chiefly in the prestige attaching to their respective offices.

The dispute between the mayor and aldermen on the one hand and Chase on the other began on March 13 when the *Gazette* published a remonstrance which, acording to its heading, was "intended to be presented by the Grand Jurors of this City to the Mayor's Court, but was prevented by their adjournment." It was signed by Colin Campbell, foreman, and twelve other jurors.

The remonstrance complained of the severity of the city's by-laws and the frequent abuse of the charter. In particular it attacked the law prohibiting the sale of rum to freemen "not being reputable House-keepers" as a restriction on the liberty of the subject, and the law laying taxes on dogs. It charged that large sums of money raised by lotteries for the

[1] Elihu S. Riley, *The Ancient City* (Annapolis, 1887), p. 87.

benefit of the city and the sums accruing from fines and forfeitures had been misapplied. It accused some of the aldermen and common councilmen of neglecting their attendance at the meetings of the corporation. It noted that Benjamin Tasker, alderman, had signified a desire to retire, had not been attending meetings and should be replaced. It stated that Nicholas Maccubin, common councilman, had declared he would never perform his duties; and that the office of recorder, next in importance to that of mayor, had been vacant for some months. It asserted that the Mayor's Court should meet four times a year but actually met only once a year, and that some offenders were brought immediately to trial " while others were indulged what Time they are pleased to require; so that by Neglect of your Worships in not Sitting regularly, many Offenders escape unpunished by the Death or Removal of Evidences." Finally it reported that the city dock was filling up with filth, streets and public landings were encroached and built upon, and Market Street was entirely stopped up.

To this bold indictment the mayor and aldermen lost no time replying. In the very next issue of the *Gazette* [2] they presented a statement asserting that the remonstrance was not legal since it had been drawn up and signed after the grand jury had been adjourned; therefore it was the " Act of private Men, usurping the Character and Authority of Grand Jurors." It denied the charges made in the remonstrance and demanded that those having to do with misappropriation of the lottery and tax money be made more specific. It drew attention to public works to which these funds, allegedly misapplied, had been devoted. It contended that there was not the least foundation for the assertion that the charter called for a meeting of the court four times a year and that the charges of partiality in scheduling cases was " totally void of Truth." It defied the world " to produce a single Instance of it, which is all we can say, ' till something more weighty than the bare Allegations of Men, who appear blindfoldly to have adopted whatever was dictated to them, and to have given the Sanction of their Names to many Falsehoods and Misrepresentations, may call upon us for a further Vindication of our Innocence." They

[2] *Maryland Gazette,* March 20, 1766.

concluded by saying they were "convinc'd that the Persons who compos'd the late Grand Jury were misled by the Influence of an ill Adviser." The reply was signed by Walter Dulany, mayor, and George Steuart, John Brice, Upton Scott and Michael Macnemara, aldermen. No one alive to the seething political conflict in Annapolis and the personalities involved could have doubted that the "ill Adviser" alluded to by the mayor and aldermen was Samuel Chase.

Chase was a relatively new arrival on the local scene. He was the only child of the Rev. Thomas Chase, an Anglican clergyman, and Matilda Walker, daughter of a prominent planter of Somerset county on the Eastern Shore.[3] Following the death of his mother, Samuel at the age of three years accompanied his father to Baltimore where the elder Chase was installed as rector of St. Paul's Church. Thomas Chase was an accomplished classical scholar and from him the son received a solid educational grounding which was to stand him in good stead in the long public career that lay ahead.[4] In those day Annapolis was still the leading city in the Maryland colony. The seat of the provincial government and of several courts, it was the natural objective of any ambitious young man setting out upon the profession of law. So at the age of 18 years Samuel left Baltimore and took up residence in Annapolis to begin his studies in the office of the Messrs. John Hammond and John Hall, leading practitioners of the province.[5] His brilliancy and industry combined to speed his progress; at age 20 he was admitted to practice in the Mayor's Court and two years later he was a member of the bar pleading cases in Chancery and other high courts.

A young man of his abounding energy and fiery temperament could not resist the impelling urge to enter politics. The lists at that time were drawn between the Court party, dominated by men of high office bestowed upon them by the Lord Proprietary of the colony and consequently owing allegiance

[3] Clayton Torrence, *Old Somerset on the Eastern Shore,* (Richmond, Va., 1935), p. 514.

[4] The Rev. Ethan Allen, *Historical Sketches of St. Paul's Parish in Baltimore County, Maryland* (Baltimore, 1855), p. 106.

[5] B. J. Lossing, *Signers of the Declaration of Independence* (New York, 1848), p. 146.

to him; and the Country party, composed of the advocates of self-government who were growing more and more restive under what they considered the unjust and unconstitutional course of Parliament in passing laws taxing the colonies without their consent. Of these laws the most recent and most resented was the Stamp Act. Chase threw in his lot with the country party. A tall, heavy set and ungainly figure with a gift for invective that in the heat of debate knew no restraint he was designed by nature for the role of popular leader. In the public agitation that attended the announcement of the act and the appointment of a stamp distributor he was one of the most conspicuous protestants. By way of further defining his position in the struggle Chase in the 1764 election won a seat in the Lower House of the Assembly as a delegate for Annapolis, defeating Dr. Steuart of the Court party.[6]

The signers of the reply to the remonstrance of the Grand Jury were without exception members of that party. Mayor Walter Dulany,[7] son of Councillor Daniel Dulany, had since 1745 loyally defended the Proprietary as a member of the Lower House where the popular Country party held the balance of power. His father, Daniel Dulany the first, had prospered under the patronage of the Calverts and in his old age shared a good part of his wealth with his two sons Daniel and Walter. Daniel the second was trained for the law, Walter as a merchant. The latter was serving his year as mayor, an office that was passed around annually among the leaders of the predominant party. Now 42 years old he was destined in the eight years of life that remained to him to be elevated to the Council and to the important and lucrative post of Commissary General.

George Steuart,[8] a distant relation of the Calverts, had come from Scotland to enjoy a comfortable livelihood derived from fees as Judge of the Land Office, Commissioner of Paper Currency and Riding Surveyor of Pocomoke. Dr. Upton Scott,[9]

[6] *Maryland Gazette,* Nov. 29, 1764, Records of the Corporation of the City of Annapolis, 1757-1765 p. 242 M.H.S.

[7] Aubrey C. Land, *The Dulany's of Maryland* (Baltimore, 1955), *Passim;* Donnell M. Owings, *His Lordship's Patronage,* (Baltimore, 1953), pp. 132, 160.

[8] *Ibid.,* pp. 165, 169, 184.

[9] *Ibid.,* pp. 136, 176.

intimate friend and former companion in arms of Governor Horatio Sharpe and another trusted supporter of the Proprietary, was Examiner General and Clerk of the Council. Michael Macnemara,[10] educated in England at the Inns of Court, was the son of a notorious character, Thomas Macnemara, whose sordid career seems to have been no handicap to Michael. Having held various public offices Michael at this time was clerk of the Lower House of the Assembly.

What gave the Grand Jury's remonstrance an especially piquant flavor was that its alleged author Chase held the office of prosecutor of the Mayor's Court,[11] so that during its sessions he was in daily contact with its members. He was the more objectionable because of his victory over Doctor Steuart in the recent election in spite of all the threats of revenge made by the Court party against those Annapolitans who dared vote for him.

Though the mayor and aldermen in their reply had not mentioned him by name Chase took for granted that he was the " ill Adviser " accused. In the *Gazette* of March 27 appeared a letter to the editor over his signature in which he said: " I have perused your last Gazette, and conclude, by the answer of the Mayor and Aldermen to the Remonstrance of the late Grand Jury for this city, that I have incurred the weighty Displeasure and Resentment of those Gentlemen." He confessed it was true that at the request of the grand jury during the sitting of the court he had drawn up the greater part of the remonstrance from heads given him by them. As to the " indecent and abusive language " of the mayor and aldermen " I value it not." He said he had been assured by members of the grand jury that they intended a reply in a very short time, when the public might form their judgment as to who was right and who wrong with respect to the charges made in the remonstrance. There for a while the matter rested.

April, 1766 was a lively month in Maryland. There, as in other colonies, the more militant protestants against the Stamp

[10] *Ibid.*, p. 139.

[11] Records of the Corporation, Annapolis, 1757-1761, p. 173. Chase was elected prosecutor, October 27, 1761, at the same meeting of the mayor's court at which he, William Paca and John Brice, Jr., were admitted to practice before the court.

Act were organizing as a society under the name Sons of Liberty. Since the colonists refused to use the stamped paper required by the act on legal documents and the officers of the Crown refused to do business without it the courts and other public offices ceased to function. On April 1, Sons throughout the province met in Annapolis, presented a petition to the justices of the provincial court to conduct their business without stamps and wrung from them a promise to do so. Chase enlisted in the organization and was foremost in its proceedings. The petition however was not needed—four days after it was presented Annapolis received the welcome news that Parliament had repealed the act two months before. The Annapolitans gave themselves up to general rejoicing, " the Afternoon was spent in Mirth; and all Loyal and Patriotic Toasts were Drank." [12]

In view of these distractions it was not until the *Gazette's* issue of May 1 that the grand jurors got around to publishing their reply. In their preamble they remarked that " the Mayor and Aldermen acting legally and constitutionally in their Public Characters, are doubtless entitled to the Respect and Deference of every Citizen, but when prostituting the Dignity of their Political Stations, they descend to the infamous Task of Personal Defamation and Abuse, so far from having a Right to Respect, Deference or Superiority, they fall into Contempt, and dwindle into Insignificancy." The answer which had an unmistakable Chase ring then proceeded to repeat in greater detail the charges previously made. It was signed by eight of the original thirteen jurymen.

There followed another interval in the controversy during which the " Worshipful Mayor " appointed June 11 as a day of rejoicing and festivity on account of the glorious news of the repeal of the Stamp Act, and in the evening the city was beautifully illuminated.[13] Court party and Country party buried their differences and appeared in hearty agreement over the outcome though a few months later the ardor of the former had cooled to the extent that the Council, or Upper House of the Assembly, refused to approve a proposal of the

[12] *Maryland Gazette,* April 10, 1766.
[13] *Ibid.,* June 12, 1766.

Lower House to erect a statue of William Pitt in Annapolis and hang a portrait of Lord Camden in the provincial court in recognition of their part in bringing about repeal.[14]

It was not until June 19 that the Gazette carried "Some Observations on a Paper Called 'The Remonstrance of the Grand Jury of This City'" which contained "many Aspersions against us of too malignant a Nature to pass entirely unnoticed." The celebration for the repeal of the Stamp Act was not alone responsible for the delay in the reply; its preparation must have been a time consuming labor. It ran to some 13½ columns, repeated the charges made by the grand jurors and answered them one by one. The Observations again were signed by Mayor Dulany and Aldermen Steuart, Brice, Scott and Macnemara. They were pleased they said to note that in the reply of the grand jurors the number of their accusers had dropped from thirteen to eight.

In their summation the "Observers" stated that they now laid before the reader full information on the real merits of the dispute and must submit to his unbiased judgment whether they had not "in every essential Article, defended ourselves against the Attacks of these licentious Men." Returning to their former charge they resorted to sarcasm: "that they (the grand jurors) have been misled by an Ill Advisor, we will not presume to insinuate, since a suggestion of the like kind with Regard to the Remonstrance has exposed us to the heavy penalty of the Disdain and Contempt of those high-minded Worthies."

They continued: "Before we take Leave of the Reader, we must observe, that the most mortifying Incident which has happened to this whole Controversy, is, that we have fallen under the Displeasure, and incurred the Contempt, of a most respectable Member of Society, by intimating in our Answer, that the late Remonstrants were misled by the Influence of an Ill Adviser, in publishing so many severe Reflections upon our Conduct. How could that worthy Personage entertain so humble an Opinion of the Respect and Veneration due his Character, as to surmise that he cou'd possibly be the Gentleman aim'd at?" Here followed the passage delineating the ill ad-

[14] *Arch. Md.*, LXI, pp. 127-8, 209-10.

viser as an incendiary, leader of mobs, son of discord and disturber of the public tranquility.

"—but," asked the Observers, "cou'd all this, or any Part of it, be applicable to a Gentleman of his meek and peaceable Spirit, a Gentleman so eminent for his Zeal in promoting Order and Decorum, so active in preventing Confusion, and suppressing the lawless Excesses of the Populace?"

Then the Observers alluded to Chase's intimate relationship with them in the court: "Among all the Virtues which adorn his Character, does not Gratitude shine forth with conspicuous lustre? . . . How then cou'd we imagine, that he, of all Men in the World, would insiduously join in a Confederacy to asperse a Set of Men to whose Appointment he was for some Years indebted for his best Bread and that, like the Viper, he would sting the Bosoms which had warm'd him into Life? How cou'd we suppose, that a Gentleman, who in every Instance of conduct, sustains a Propriety of character, shou'd, as Prosecutor to the Court, most unjustly and ungratefully vilify the very Men whose Authority and Dignity it was peculiarly his Office to support?"

The most patient and peace loving man might justifiably have been stirred to action by this personal attack, and Chase was neither. Rejoicing in controversy he rushed forward to pick up the gauntlet flung down before him by the mayor and aldermen. In the next issue of the *Gazette* [15] in a letter to its editor Jonas Green he stated that his attendance at the county court forbade an immediate answer and asked the public to be patient. Meanwhile Chase, in between court duties, was assembling ammunition for his counter-offensive. But he found an unexpected obstacle to his plans in Jonas Green. In another letter to the Gazette [16] he asked the editor to "be pleased to inform your readers, that I waited upon you with my Defense, and that you refused to give it a place in your Gazette tho' I offered to indemnify you, for the following Reasons, which you assigned to me for such your Refusal viz: "That there were so many Personal Reflections in it, as you were sure would subject you to Prosecution, and the Dislike

[15] *Maryland Gazette,* June 26, 1766.
[16] *Ibid.,* July 17, 1766.

of many of your Friends. Let the Public know that I expect to have my Defense shortly in Hand Bills and that it is now ready for Perusal of any Gentleman who is the least Doubtful as to the Falsity of the charges against me."

Green to be sure had been placed in an embarrassing position. In addition to the possible danger of libel he labored under the restraint of being a good friend of Dulany and his group. Already he was senior member of the Common Council and at the next election was to be elevated to the rank of alderman. Yet not having blue-pencilled the observations and permitted its authors to express their unbridled opinion of Chase he laid himself open to a charge of partiality in turning down Chase's defense.

Green's refusal to publish, however, had no effect on the issue, for, as he had promised, Chase prepared and had printed a handbill for distribution throughout the community. It was dated July 18 and must have achieved even more publicity than if it had been confined to the subscribers to the *Gazette*.[17]

In an explanatory statement printed on the margin of the paper Chase again referred to Green's refusal to publish the defense in the *Gazette* although its columns had been open to his enemies " to reflect both upon my private and public Life in the most cruel and severest Manner " which " has reduced me to the Necessity of taking this step of clearing myself to the World."

Addressing himself directly to Messrs. Dulany, Macnemara, Steuart, Brice and Scott by name he asked them to permit him to expostulate with them " upon the Ground of your infamous Aspersions, and I promise to do it with all the Temper and Coolness, that you have a Right to expect from a Man, whom you have wantonly injured, vilified and traduced."

He asked: " If you had any Foundation in truth . . . Why did you not particularize the Mobs, I have led, or singled out an Instance in which I have played the Villain in spreading Discord and Faction and Distorting the publick Tranquility? . . . I admit . . . that I was one of them, who committed to the Flames in Effigy, the Stamp-Distributor of the Province, and who openly disputed the Parliamentary Right to

[17] A copy of the handbill is attached to the *Gazette* of June 25, 1767, M.H.S.

Tax the Colonies—While you—to do you justice—Skulked in your Houses some of you asserting the Parliamentary Right, and esteeming the Stamp Act a beneficial Law.—Others of you meanly grumbling in your Corners, and not daring to speak out your Sentiments. I admit further, that when the Sons of Liberty met here from different Counties of the Province, I heartly concurred in the Measures then adopted to open the public offices . . .

" Whatever ridiculous Vanity may whisper in your Ears, or that Pride and Arrogance suggest, which is natural to despicable Pimps, and Tools of Power, emerged from Obscurity and basking in the proprietary Sunshine, in spite of such Vanity and Pride, you must confess them to be your Superiors, Men of Reputation and Merit who are mentioned with Respect, while you are named with Contempt, pointed and hissed as Wretches,

—Fruges consumere nati
born but to eat, and—stink "

The quotation from Horace [18] bears witness to Chase's indebtedness to his father's early instruction; the appended epithet however was pure " Chase." It is noteworthy that while frankly admitting his part in the mob which burned the stamp distributor in effigy, Chase did not mention having participated in the burning of the distributor's office which occurred the following day. Whatever his enemies might say there was a limit to his operations that fell well within the law.

It must have been with relish that Chase identified the mobs as " the People of this City, who opposed you my good friend, Mr. Walter Dulany, and you my generous Benefactor Doctor George Steuart, at your respective elections for this city." Addressing his adversary as " Honest Steuart " and explaining it as " the honorable Epithet given Dr. Steuart by the late C. Calvert, for the Services done the Lord Proprietary by him, while a Representative of this City," he said: " I am far from wondering that your Malice . . . has been kept alive to this day—Envy is a restless Hag."

Centering his attention on Steuart he continued: " You had Nothing to recommend you but proprietary Influence, Court

[18] *2nd Epistle,* Lines 27-31.

Favour and the Wealth and Interest of the Tools and Sycophants who infest this City . . . Swell up your Catalogue to Volume, I can still boast more . . . the single Service I did my Country, in polling against, and defeating you in your Election, will weight down every publick Benefit you have done, even counting, if you will, from the first Moment you crawled here, and cleansed yourself of your filthy Rags up to your present elevated Sphere of 'One of his Lordships Judges of the Land Office.'"

Chase acted with restraint in his treatment of Mayor Dulany. No doubt he stood in some awe of this member of the wealthiest and most influential family in the community. He confined himself to charging that Dulany was personally prejudiced against him because as a member of the Lower House he had voted with those who held that Dulany's re-election to that body was void and so deprived him of the seat he had held for twenty years. Brice he dismissed with the charge of having a passion for wealth.

Chase's most deadly venom was reserved for Scott and Macnemara. The former he described as "a pennyless Emigrant driven from Home by Poverty to seek for Subsistence abroad . . . in your most joyous Moments – when counting up the exorbitant Profits of your Offices, of Clerk of the Upper-House of Assembly, of his Lordship's Council and Examiner General of the Province—do you not feel a poignant compunction for the Prostitution of your Freedom for dirty Gold?" To Macnemara he attributed. "The consequences of a bad life which have reduced you to a servile Dependency . . . It is with Pain, I remind you of the unhappy Circumstances of your Children, reduced to Beggary, by your continued round of Vice and Folly, Drunkeness and Debauchery." Even assuming there was a basis for these charges Chase did himself little credit in indulging in such personal abuse.

A reply to the accusation of ingratitude Chase reserved for the last. He admitted he was indebted to Dulany and his group for his appointment as prosecutor in the Mayor's Court. But at that time he said the local bar consisted of three practitioners,[19] all students of law who sought experience and had

[19] *Supra.*

not the remotest view to profit. He was appointed he said because the other two declined the offer. He maintained that during the five years he had held the office the money he received for his services fell short of £40. He concluded: " You know very well . . . that my practice in the Courts—not your contemptible Mayor's Court—furnishes Me with such genteel and independent Living, that without fear of bread, or uneasy Apprehension, I can treat with contempt the Fat Pimp, and give him sneer for sneer." Just who was the target for this last insult is not clear. A note in writing on one of the handbills that has been preserved states that " This was not printed by J. Green." The editor of the *Gazette* evidently was to have no part in Chase's reply even indirectly.

With the publication of the handbill the controversy ended. That the remonstrance of the grand jurors had some effect is indicated by the resignation of Alderman Tasker and Councilman Macubbin and the election of a recorder. To cap the climax in the poll of October, 1766, Chase was elected to the Common Council.[20] Another important result was that it revealed the violent and intemperate language of which Chase was capable when under attack. From then on adversaries knew what they might expect when they challenged him—some confessed that they refrained rather than face the invective that flowed from his pen and his tongue when he was aroused. This characteristic no doubt enhanced his reputation as a forceful leader but did not endear him to those who felt the whiplash sting and branded him as a bully. Eventually it was to earn him the doubtful distinction of being the only justice of the Supreme Court of the United States ever to face impeachment.

[20] Records of the Corporation, Annapolis, 1765-1770 pp. 167-8, 170, 173.

THE STATE IN THE MARYLAND ECONOMY, 1776–1807

By Mary Jane Dowd

THE American Revolution, it has been said, signals the end of mercantilism with its myriad local and imperial regulations of trade and commerce. Supposedly it ushered in a new era of economic freeedom – laissez faire, if you will, when the merchant, the mechanic, and the farmer were to be allowed by government to operate freely after their best interests. The notion now was held, in line with the thinking of Adam Smith, Quesnay and the physiocrats, that an economy must be unhindered by government in order freely to operate under natural laws.

The confederation period, particularly with the advent of the depression of 1785, seemed to indicate that just the opposite was true. Government aid was advocated and sought for many enterprises, and states actively meddled with the economy by issuing paper money, raising imposts, granting loans, and founding and regulating companies by issuing charters. Thus historians have shown that there was much governmental interest in the economy in the years after the Peace of Paris. What was the case in Maryland? Did the Free State adopt a policy of laissez faire or did it seek to encourage business, or perhaps did it continue the regulatory practices of its past as a colony?

The following study will seek to answer these questions and thereby to describe the state's relationships to business in the confederation through the Jeffersonian periods.

1

Public Opinion and Manufacturing

As the Revolutionary War drew to a successful close, Marylanders began to express themselves in the public prints [1] on

[1] This section was compiled chiefly from articles in the following Maryland newspapers: the *Maryland Gazette* (Annapolis, 1777-1807), the *Maryland Ga-*

the subject of what could be done to encourage progress and growth in agriculture, manufacturing, and commerce; wisely, little appeal was made on the basis of sectional interests. Rather they tried to show the benefits of such encouragements as they proposed to the whole state and even the ultimate benefit to the Union. Since agriculture and shipping were well established in Maryland, publicists considered programs for their aid and encouragement less often in newspapers. Much of their effort in this direction was to try to convince Maryland farmers to lessen their dependence on tobacco and grains as money crops by planting crops not previously grown in the state and to advocate the growth of agricultural products which could serve as raw materials for Maryland manfacturing.

Of much more prominence in the newspapers of this period than aid to agricultural or commerce was the topic of encouragement to manufacturing in the United States and especially in Maryland. John Hayes, the editor of the Baltimore *Maryland Gazette,* who by the number of articles and editorials he wrote on the subject proclaimed himself a true friend of manufacturing, saw that ". . . our real independence must consist in the exertions of ingenuity and labour in the establishment of American manufactures." [2] Encouraging the growth of new products and establishing new industries, it was thought, would add wealth to the state and bring skilled immigrants into the state, thus increasing its population and, therefore, its strength.[3] The Chesapeake Bay accorded Mary-

zette; or the Baltimore Advertiser (1783-1792), *Maryland Journal and Baltimore Advertiser* (1792-1794), *Federal Intelligencer and Baltimore Daily Gazette* (1795). There were few editorials in newspapers at this time, but this deficiency is somewhat alleviated by the numerous essays on popular questions by the papers' readers. Newspapers from other sections of the state were unavailable for various reasons. There were several Easton papers but none established until late in the period under consideration, and only scattered issues are now in existence. Frederick had quite a few newspapers, several in German, and the rest with only scattered issues known. Cumberland had no newspapers until 1808. However Baltimore, where interest in commerce and manufacturing was most intense, had many newspapers although some were short-lived.

[2] *Maryland Gazette; or the Baltimore General Advertiser,* Apr. 17, 1787, p. 3. (editorial). Hereafter cited as B. *Md. Gaz.*

[3] *Ibid.,* Sept. 26, 1786, "Citizen of Maryland"; John Frederick Amelung, *Remarks on Manufactures, Principally on the New Established Glass House near Frederick-town in the State of Maryland* (n. p., 1787) p. 7; *Maryland Gazette,* (Annapolis), Nov. 20, 1794, "By-Stander," pp. 2-3. Hereafter cited as A. *Md. Gaz.*

land easy disposition of its surplus products, and the two extensive rivers at the northern and southern extremities of Maryland promised control of the trade of neighboring states and the Western territory.[4]

Some wanted manufacturing in America as a means of bringing an end to importation of foreign goods. An argument especially prevalent in the depression-ridden mid-1780's was that lack of manufacturing in the United States hastened the country's "ruin." [5] Another newspaper writer proposed a complete system to establish American prosperity in the 'eighties:

> I conceive it to be the policy of every nation, to encourage their own manufactory as much as possible and lay very heavy duties, or totally prohibit all foreign produce.—By this means, our young empire would increase rapidly in improvements, and our public debt to be paid principally by strangers.[6]

Imports had not only beggared the United States financially, so the argument went, but had made Americans, particularly women, "too fond of dress," and not fond enough of other employment." Others wanted importation checked by home manufacturing so that, "useless men [merchants and importers] would be obliged to turn to some more useful employ" [7] and specie would remain in the country.

It was the duty of every citizen of the state, according to "A Merchant of Maryland," to promote the state's "opulence and aggrandisement," which included establishing useful manufactures. To others it was the state's duty to add to its own wealth and power by promoting manufacturing:

> While our sister state Pennsylvania is laying out her hundred thousands, and is almost road and canal mad, and Virginia is led off by building bubbles around bubbles; let Maryland be not altogether inattentive to her interest, but improving, in a more substantial way, by attending to her manufactories, by which she may, add to her citizens ten, *I had almost said* twenty fold, and the

---

[4] *Ibid.*, Nov. 22, 1792, "A Friend to Agriculture and Manufactures," p. 2.
[5] *Maryland Journal and Baltimore Advertiser*, Aug. 15 ,1786, "To the Tradesmen and Manufacturers of Baltimore." Hereafter cited as *Md. J.*
[6] B. *Md. Gaz.*, Aug. 20, 1784, p. 2, "A Plain Dealer."
[7] *Md. J.* Feb. 28, 1794 "Queries"; B. *Md. Gaz.*, Sept. 26, 1786.

wealth of a state is better known by the number of its inhabitants than any other criterion.[8]

Here one can see the motive of interstate rivalry which was often a very strong inducement to action.

Many, such as John Hayes of the Baltimore *Maryland Gazette,* were anxious to see manufacturing established in the state. He wrote he was always pleased to report to his readers on the progress of manufacturing in the United States because such accounts "wear off the diffidence of our citizens, stimulate them to improve . . . the manufactures already established, [and] to attempt others."[9] "A Friend to Agriculture and Manufactures," who wrote a series of detailed articles on Maryland's possibilities in 1792, said his purpose was to awaken Marylanders.[10] Others wished to excite Marylanders to action in this area by reciting the accomplishments of the northern states, or by citing the "example of older and more experienced nation:" the "indefatigable industry and attention" of the English and French "to the improvement of their Trade, Manufactures, and Commerce . . .".[11]

Not all Marylanders were interested in promoting manufacturing. In the 1780's antagonism among the "three great classes" which composed Maryland society[12] was quite evident in the electioneering articles which appeared at each election of the House of Delegates. "An Enthusiast in Trade" thought it was "a great misfortune" that the landholder, planter, and farmer usually did not "thoroughly . . . investigate the prinples of trade."[13] He implied that this lack of knowledge led to stagnation of the economy and misunderstanding among farmers, merchants, and manufactures. Writers combatting the primacy of agriculture arguments of the agrarians noted that there was a close connection between the prosperity of commerce, manufactures, and agriculture: "as they [manufactures]

[8] *Ibid.,* Nov. 28, 1783, p. 2; A. *Md. Gaz.,* Dec. 6, 1792, "A Friend to Agriculture and Manufactures."
[9] *Ibid.,* July 13, 1790, p. 3, "American Manufactures" [editorial].
[10] A. *Md. Gaz.,* Dec. 6, 1792, p. 2.
[11] B. *Md. Gaz.,* Jan. 9, 1787, p. 3, "An Enthusiast in Trade."
[12] "The cultivators of the earth, the merchants and tradesmen," *ibid.,* Aug. 15, 1786, p. 3, "A Real Friend to Maryland."
[13] *Ibid.,* Jan. 9, 1787, p. 3.

flourish lands rise, as they decay lands fall" and, therefore, it was to a landholder's own interest to promote manufacturing.[14]

When newspaper essayists described specifically what should be attempted and what should not be manufactured, most usually advised that Maryland should manufacture from its own natural resources and agricultural products, instead of exporting them in an unfinished state and buying back finished products at a higher price.[15] Specific raw materials that Marylanders could turn into manufactured articles (some right in their own homes) were wine from Maryland grapes, linen from local flax,[16] silk cloth from raw silk,[17] and duck and cordage from hemp.[18] It was thought, by some writers, that with special care cotton could be grown in most parts of Maryland.[19] Machinery for making cotton and wool cloth could then be set up in Maryland without much expense — in comparison with its great utility — using water for power instead of the coal the English wool and cotton manufacturers used.[20]

"A Friend to Agriculture and Manufactures" wrote of progress in utilizing Maryland's great iron resources and abundant energy (water power and wood) to convert the raw ore into pig and bar iron. But, he wrote, as of 1792 there was only one factory in the state manufacturing machines or tools for farming and shipbuilding. Most of the ore extracted was exported to New England for manufacture, and Marylanders had to buy back castings, farm tools, and bolts at higher prices.[21]

"A Merchant of Maryland" cautioned the General Assembly that "Manufactures of fine and highly polished goods would at this time be a vain attempt; the great price of labour, the scarcity of workmen, and the spirit of freedom which prevails, defeat every endeavor to success."[22] Simple manufac-

[14] *Ibid.*
[15] *Ibid.*, A. *Md. Gaz.* Nov. 22. 1792, p. 2.
[16] B. *Md. Gaz.*, Jan. 9, 1787, p. 3, "An Enthusiast in Trade."
[17] A. *Md. Gaz.*, Nov. 29, 1792, "A Friend to Agriculture and Manufactures."
[18] *Ibid.*, Nov. 22, 1792, p. 2.
[19] *Md. J.*, Apr. 21, 1794; A. *Md. Gaz.*, Mar. 4, 1802, "Highly Important to American Farming and Planting"; *ibid.*, Nov. 22, 1792, "A Friend to Agriculture and Manufactures."
[20] *Ibid.*, Dec. 6, 1792, p. 2.
[21] *Ibid.*, Nov. 22, 1792, p. 2; B. *Md. Gaz.*, Jan. 9, 1787, "An Enthusiast in Trade," mentions abundance of iron ore.
[22] *Ibid.*, Nov. 28, 1783, "A Merchant of Maryland."

tures would be best until more experience could be gained. The editor of the Baltimore *Maryland Gazette* warned that luxuries should not be manufactured since the manufacture of luxuries depended upon "fashion and caprice" not upon the real values of life. Laborers in such industries were apt to be frequently out of employment and to become a "dangerous burden on the commonwealth." [23]

Soon after the peace treaty normalized commerce and trade relations between the United States and Great Britain, Maryland publicists and artisans pleaded for encouragement of manufacturing in Maryland by means of protection of local products and suggested several methods by which it might be done. A Baltimore writer, noting that the British and French had promoted their manufactures by "high duties, prohibitions, pains, and penalties," proposed that Maryland summon similar aids to its own manufacturing. While these duties might cause higher prices, he maintained that, as it had in England and France, "general benefit silences particular clamour." [24] "A Friend to Equal Justice" appealed to mechanics with the thought that a tariff would not only guarantee the future prosperity of the United States but would ensure mechanics "a decent and moderate profit." [25]

These programs of the 'eighties might be considered as having been offered as solutions to the depression, which they sometimes were, but even in more prosperous times plans for encouraging Maryland manufacturing were presented. As late as 1794, at least one newspaper writer was still urging the total prohibition of imported goods on the ground that Americans would have been thousands of pounds richer had importation been stopped at the close of the Revolution. It was better, he thought, to pay higher prices for American goods because the money stayed in the country. He claimed that importation also tended to create idleness, and the more industrious a state, the happier it was.[26] Others, writing shortly after the Revolution, saw that total exclusion of imports was

[23] *Ibid.*, July 18, 1788, p. 3.
[24] *Ibid.*, Jan. 9, 1787, "An Enthusiast in Trade."
[25] *Ibid.*, July 13, 1787, "To the Inhabitants of the Precincts of Baltimore-town."
[26] *Md. J.*, Feb. 28, 1794, "Queries."

not practicable—no matter how desirable from a patriotic or moral point of view — since Americans could not do without certain necessities which were not then grown or manufactured in the United States.[27]

"A Friend to Agriculture and Manufactures" preferred bounties and premiums to protective tariffs for encouraging manufacturing; in fact, he entitled his series of essays "The Importance of Premiums in Encouraging Agriculture and the Useful Arts, Briefly Considered." He, among others, favored premiums because they, unlike tariffs, would not be a tax paid by the consumer but be a direct aid from the sponsoring organization, whether public or private. He also favored the giving of premiums or bounties for new or excellent local products and inventions: besides the actual monetary reward, the prize would confer honor and distinction upon the recipiant and would "excite emulation." [28] Although not directly mentioned by these newspaper writers, bounties and premiums could be enacted by the states after 1789, while under the new United States Constitution, the enactment of import or export duties without the permission of Congress was forbidden to them.

Some thought that Marylanders already engaged in manufacturing could be considerably aided by the liberalization of credit and money. This argument was used in 1785 and 1786 to strengthen the position of those advocating a paper money bill in the General Assembly. One such person, signing himself "A Citizen of Maryland," thought that an emission of paper money would "give . . . an elastic spring to business, which is now stagnant for want of cash." Since industry was the real wealth of Maryland, the emission would probably "encourage our own tradesmen and manufacturers" and would keep "many useful, labourious people employed." [29] A few months later "Cato" wrote that many Marylanders "ardently" wished to see manufacturing established and prospering in the state. But, he queried, "Can it ever be done with-

[27] B. *Md. Gaz.*, Aug. 29, 1784, p. 2.

[28] He also found fault with discouraging manufactures of other states by imposing duties on them. From examining the laws of other states, he found that any United States' manufactures entering those states were excluded from paying duties. He concluded, "Ought not gratitude alone, enduce us, to extend our liberality equal with the other states?"

[29] *Ibid.*, Sept. 26, 1786, p. 3.

out cash?" No trade or business could pay the rates which were "extorted" by moneylenders who were, at the time, the only means of obtaining credit. He declared that some scheme must be adopted to let manufacturers have money "on loan, at an easy interest." [30] The paper money bill failed of passage in 1785 and again in 1786 and was not thereafter brought forward.

A different way to aid American manufactures, increase the state's population, retaliate upon British policy, and at the same time set an example of humanity to the rest of the world was proposed by some manufacturers and their friends during the last two decades of the century. They suggested that European artisans be invited, and even financially aided, to come to America and set up their own factories or teach Americans the use of new machines and trades. Maryland, one wrote, would be the ideal place for them to settle because of cheaper living costs, if the state would only actively encourage them.[31] John Frederick Amelung, a German artisan who had taken advantage of pledges of private aid to come to Maryland and had set up a glass factory in Frederick County, was convinced that "no manufactory of any consequence can succeed in this country, when Government does not grant according to its utility and consequence, some real assistance for its beginning, and some privileges for the encouragement of foreign Manufacturers." [32]

In 1794, when war with Great Britain was threatened, a writer in the *Maryland Journal* advised that a fund be set up to encourage English immigration. His fund had a two-fold purpose: not only would English and Irish workmen living in "wretched conditions" be able to come to the United States, but at the same time, it would serve as a politic way of making war on Great Britain by draining it of men and money. He said that hundreds of "mechanicks" would probably come because of the certainty of employment.[33] This writer did not

[30] *Ibid.*, Nov. 21, 1786, p. 2.
[31] *A. Md. Gaz.*, Nov. 15. Dec. 6, p. 2 He went on to say that had the state encouraged manufacturing, the skilled artisans would naturally have been attracted to Maryland because they would have a better chance to become proprietors or owners of factories than in the northern states.
[32] Amelung, p. 7.
[33] *Md. J.*, Feb. 28, 1794, p. 2.

believe that foreign mechanics should be aided at the expense of American manfacturers and artisans. Only after these Americans were given bounties and other aid should encouragement be given to immigrants.[34]

Who should promote the industry of Maryland? Most of those who suggested various methods of aiding Maryland manufacturing did not leave this question to chance. As has been seen, many who wrote thought that the state itself should aid the manufacturers directly or indirectly. Some writers pointed out that Maryland state aid to artisans was not new. Bounties had been given before the war to linen weavers using Maryland flax.[35] John Frederick Amelung deplored the fact that in the United States, Maryland included, " . . . to my knowledge, no man who has had sense and fortune enough to make any progress in Manufactures, got any public preference and encouragement whatsoever." [36] Others mentioned manufacturers as being " as worthy of notice of the [Maryland] legislature as merchants and farmers." [37] A " Friend to Agriculture and Manufacturers " complained in 1792 that in the preceding year several thousand skilled emigrants from Europe had gone to Pennsylvania and New Jersey because those states encouraged manufacturing and Maryland did not.[38]

Those desiring state aid for manufacturers usually did not want it at the expense of manufacturers in other American states. Most said that Maryland should not discriminate against manfacturers of other states but only against those of foreign countries. Often there was a genuine feeling in the state of promoting American manufacturing as well as Maryland industry during this period.[39]

However, in 1794 a " By-Stander " had a complete program which he wished " the legislature " to enact to keep Maryland

[34] *Ibid.*, Mar. 5, 1794, p. 3.

[35] Other colonial aid to shoemakers and leather workers and iron workers cited in John R. Commons and Others, *History of Labour in the United States* (New York, 1918), I, 41 and St. George L. Sioussat, *Highway Legislation in Maryland and Its Influence on the Economic Development of the State* (Baltimore, 1899), p. 124. There was also much state aid to defense industries in Maryland during the Revolutionary War.

[36] Amelung, p. 6.

[37] B. *Md. Gaz.*, Aug. 15, 1786, p. 3, " To the Tradesmen and Manufacturers of Baltimore-Town," signed " A Real Friend to Maryland."

[38] A. *Md. Gaz.*, Dec. 6, 1792, p. 2.

[39] B. *Md. Gaz.*, Aug. 20, 1784, p. 2, " A Plain Dealer."

from sinking into obscurity as the District of Columbia arose. He said that "good laws and government" would be necessary to Maryland in order for it to maintain its position against the quality of the national administration in Washington: Maryland's best citizens and men of property would migrate to it. In order to avert this calamity he proposed that legislation be enacted to "secure and protect property," "encourage and favor credit," "promote industry and economy," and "induce and entice foreigners" to come and bring their wealth to the state.[40]

Although these essayists concentrated on arousing the state to extend encouragement and protection to Maryland manufactures, they noted one thing that the ordinary, unorganized, private citizen could do to support existing factories and encourage new ones: buy Maryland goods. Frequently in newspaper advertisements, a tradesman thanked the public and "their kind customers for their generous and kind encouragement"[41] and asked for continuing patronage since it was "very evident to everyone, that HOME MANUFACTURES, are, by far preferable to foreign ones."[42] Another advertiser, who called his establishment the "Federal Manufactory," put the case for buying local products well when he said of his leather gloves and breeches that he presumed that it was unnecessary to recommend "the use of this manufacture to the citizens of America, as the interest of the public as well as the benefit of the wearer must be evident . . ."[43]

Since pleas for state aid to and protection of manufacturing after the end of the war had been ignored, other interested private citizens banded together in promotional societies for two reasons: to aid and protect local manufacturing by their own efforts and resources and to bring the government of Maryland, through lobbying activities, to a realization of its responsibilities toward the manufacturers of the state. Hurt by the effects of importation of great quantities of goods from

[40] A. *Md. Gaz.*, Nov. 20, 1794, p. 3.
[41] Adam Fonerden's Baltimore "Card Manufactory," advertisement in B. *Md. Gaz.*, Feb. 20, 1798, p. 1.
[42] Perkins and Wood's Brewery, Kent County, advertisement in *Md. J.*, Aug. 17, 1792, p. 3.
[43] John Hagthorp "at the sign of the Buck and Breeches," Baltimore, advertisment in B. *Md. Gaz.*, Jan. 9, 1789, p. 4.

England—many of which Maryland and the other states were already manufacturing—and the constant drainage of specie from the country to pay for those imports, the manufacturers and artisans in 1785 appointed a committee of Baltimore tradesmen to correspond with tradesmen in other cities of the confederation on the means of protecting and promoting American manufacturing.[44]

In 1785 the Boston manufacturers' society, the Association of the Tradesmen and Manufacturers of the Town of Boston, had persuaded Massachusetts to erect a protective tariff against foreign goods. Elated by their success, they wrote that summer to artisans in Philadelphia, Baltimore, Charleston, and other towns, recommending similar organizations and similar methods of protecting domestic manufacturing.[45] These early tradesmen's and mechanics' organizations were interested in promoting American manufacturing by means of protective tariffs against European, particularly English, goods.

Joseph Davis, in *Essays in the Earlier History of American Corporations,* states that the Baltimore tradesmen's association was formed in the autumn of 1785,[46] probably soon after receiving the circular letter from Boston. The Baltimore Association of Tradesmen and Manufacturers in turn passed the Boston letter to other Maryland towns,[47] and at least one town, Frederick, "impressed with the alarming state of [trade]," appointed a committee of correspondence and circulated a petition to be transmitted to the 1785 session of the General Assembly.[48]

[44] Thomas W. Griffith, *Annals of Baltimore* (Baltimore, 1824), p. 115. An idea of the number and variety of trades and manufactures in Baltimore at about this time can be obtained from those marching in the parade to celebrate Maryland's ratification of the new Constitution in May 1788. Among those participating were "millers, butchers, bakers, brewers, Distillers, blacksmiths, housecarpenters, painters and glaziers, bricklayers, plasterers, Cabinet makers, coach makers, wheelwrights and turners, coopers, tanners and curriers, shoemakers, saddlers, and harnessmakers, leather-dressers and glovers, hatters, tailors, staymakers, comb makers, barbers, silversmiths and watch makers, coopersmiths, brassfounders, nailors and gunsmiths, tallow-chandlers, Printers, draymen, ship carpenters, ship joiners, carvers and gilders, mast makers, ropemakers, riggers, blockmakers, mathematical instrumentmakers, ship chandlers, boat-builders"; B. *Md. Gaz.,* May 2, 1788, p. 3.

[45] Merrill Jensen, *The New Nation: A History of the United States During the Confederation, 1781-1789* (New York, 1950), p. 296.

[46] II, 257.

[47] Jensen, p. 296.

[48] B. *Md. Gaz.,* Oct. 28, 1785, Letter from "Manufacturers and Gentlemen of Frederick-town."

The Baltimore Association presented a petition to the same session of Assembly with over one thousand signatures "in behalf of . . . [the] country's manufactures" asking for a protective tariff.[49]

Maryland had had since 1780 a tariff for revenue with duties of about one per cent ad valorem and specific rates for a few articles such as coffee, tea, wines, and ardent spirits. In 1784 the ad valorem duties were raised to two per cent.[50] The artisans and manufacturers in Maryland were not as successful in having protective barriers erected as were their Boston counterparts. By their agitation in 1785 they only succeeded in having the 1784 law amended to the extent that coaches and carriages were to be taxed at eight per cent of their value and mahogany furniture at three per cent. The specific duties remained substantially the same, but the ad valorem duties on all other merchandise were lowered to one-half of one per cent.[51] Although the Society petitioned the Assembly again in 1786 no other modifications to the law were made. After 1789, because of the provisions against state tariffs in the United States Constitution, Maryland manufacturers had to depend upon the national Congress to protect American manfactures.

A few years after the organization of the first manufacturers' association, the manufacturing interests broadened their methods of promoting local and American manufacturing. They established societies for the promotion of manufacturing and the "useful arts." The Baltimore society was organized in 1788, the same year in which similar societies were organized in Boston, New York, and Philadelphia. Usually these societies did not undertake manufacturing themselves. Instead, they offered prizes for excellent examples of American products, aided skilled artisans, and published their proceedings and other literature of interest to manufacturers. The society also pledged its members to use American goods in preference to imported ones.[52] There were few, if any, artisans and me-

[49] *Ibid.*, Aug. 15, 1786, p. 3, "To the Tradesmen and Manufacturers of Baltimore-Town," signed "A Real Friend to Maryland."

[50] *Laws Made and Passed at a Session of Assembly* . . . [Maryland Session Laws] (Annapolis, by session), 1780 June c. 7, 1782 c. 26, 1784 c. 84. (Sessions occurred in November of each year, unless otherwise cited.) Hereafter cited as *Md. Sess.*

[51] *Ibid.*, 1785, c. 76.

[52] Davis, II, 257, Jensen. p. 225.

chanics, the actual manufacturers of the 1780's, in these societies for promoting manufacturing. In some cities, however, they did have separate societies. Although the mechanics in Baltimore had no formal organization, they were said to have been very active in promotional measures.[53]

Many newspaper essayists advised artisans and manufacturers that they should secure aid and protection from the state. One who addressed himself "to the Tradesmen and Manufacturers of Baltimore-Town" could not understand why the manufacturers "should not be as worthy of the notice of the legislature" as the farmers and merchants and why "laws should not be passed for our own manufacturers as well as agriculture and commerce."[54] A case of the "manifest negligence" with which the manufacturers had been treated was cited by one writer. The Baltimore County delegation to the General Assembly had promised to act upon the 1785 petition of the Baltimore Association of Tradesmen and Manufacturers but had not kept their promise.[56] The only remedy that these writers could prescribe was that the voters of Baltimore County, where most of Maryland's manufacturing was carried on, should refuse to elect to the House of Delegates farmers who objected to the occupations of the merchant or mechanic.[56] Continuing failure awaited the manufacturing interests unless they chose "lovers of their country, of industry, economy, and frugality"[57] to represent them.

At the end of the Revolution, sectionally differentiated as the state was, Maryland essayists sought to promote the welfare of the whole state by pointing out the desirability or the necessity for improvements in agriculture and commerce and especially the introduction and protection of manufacturing. For the encouragement of manufacturing after the war, one would have to give some of the credit to private citizens and

[53] *Ibid.*, pp. 225, 227.

[54] B. *Md. Gaz.*, Aug. 15, 1786. He continued ". . . as the father of a family would . . . not . . . provide for only two-thirds of his family and leave the other third to shift for themselves, perhaps to perish, so by a parity of reason, I conclude, that when our *political* fathers wholly neglect one class . . . and bestow all their attention to the other two, they are equally censurable."

[55] *Ibid.*

[56] *Ibid.*, July 13, 1787, "A Friend to Equal Justice."

[57] *Ibid.*, Aug. 15, 1786.

privately sponsored organizations. The promotional tradesmen and manufacturers' societies that were established and the private financial aid extended to immigrants were examples of this. But these actions must not be construed to indicate a decision that private rather than governmental aid was the answer to the manufacturers' problem. Rarely, if ever, did an article advocate private resources be used for such a purpose. Instead, such private impulses seem to be just temporary aid until the Maryland General Assembly could be persuaded to assume or resume its rightful responsibilities. These private associations also served as centers for lobbying activities to help convince the state of its duty toward the manufacturing interests of Maryland.

2

State Aid

Maryland state aid to manufacturing and business in general took many forms, from the indirect method of tax exemption to direct state participation in private business companies. During the thirty year period after 1777 the state relied primarily on three methods of encouraging business and businesmen. It established monopoly privileges in the form of patent rights for inventors and monopoly franchise privileges in certain fields of transportation. Occasionally loans of state funds were made to Maryland businessmen. However the most striking post-Revolutionary method of aiding business was the extention of corporate privileges to private business companies.

Although the Maryland Declaration of Rights of 1776 distinctly stated that monopolies were "odious, contrary to the spirit of a free government and to the principles of commerce; and ought not to be suffered," [58] the General Assembly offered certain Maryland businessmen exclusive privileges for limited periods of time in an effort to promote the state's industry and commerce. These monopolistic privileges fall into two broad categories: patent rights to protect and encourage inventors, and franchises—exclusive rights to do business in certain portions of the state or to collect tolls for public services.

The first inventor to benefit by a Maryland patent, James

[58] Article 39.

Rumsey, informed the General Assembly that he had found a way of "navigating boats against the current of rapid rivers at a very small expense" whereby "great advantages would accrue to citizens of this state." [59] In September 1784, Rumsey had tested a boat operated by sticks forced against the bottom of a stream in the presence of George Washington, who gave him a certificate saying that it was his opinion "that the discovery is of vast importance and may be of the greatest usefulness in our inland navigation." [60] Having considered Rumsey's petition, a committee of the General Assembly reported on November 26, 1784, that they were of the "opinion that the said invention will be of great utility to facilitate the inland navigation of this state." [61] Accordingly, Rumsey was granted a patent for ten years which provided for a penalty of £500, to be paid to Rumsey, by any who made or purchased such a boat without his license.[62] The Virginia legislature granted him a similar ten year monopoly.[63] It was not until 1786, at Harper's Ferry on the Potomac, that Rumsey successfully tested a boat propelled by steam.[64]

John Fitch, Rumsey's rival for the distinction of inventing the steamboat and for the capital to put it into production, also petitioned the Maryland legislature in 1785 for an exclusive patent. The General Assembly committee, appointed to consider the application, thought the question to be decided was who had first invented the steamboat. After taking evidence, the Maryland committee found that Rumsey had been first and so refused Fitch's petition.[65]

In 1786 Robert Lemmon of Baltimore County applied to the General Assembly for an exclusive right to make and sell two machines which he had constructed for carding and spin-

[59] *Md. Sess.*, 1784 c. 20.

[60] Joseph S. Davis, *Essays in the Earlier History of American Corporations* (Cambridge, Mass., 1917), II, 125-26.

[61] J. Thomas Scharf, *History of Maryland from the Earliest Period to the Present Day* (Baltimore, 1879), II, 525. Hereafter cited as Scharf, *Maryland.*

[62] *Md. Sess.*, 1784 c. 20.

[63] Davis, II, 125.

[64] Scharf, *Maryland,* II, 525. Later he went to Europe to attract capital, but he died in 1792, a year before his boat, the "Columbian Maid," would make its first voyage on the Thames; "Letters of James Rumsey," James A. Padgett, ed., *Maryland Historical Magazine,* XXXII (March, 1937), 11.

[65] *Ibid.*, p. 10. Also see Jensen, pp. 152-53 for contrasts between Fitch and Rumsey, and Fitch's later life.

ning wool or cotton. Wishing to " encourage useful inventions as well as promote the manufacture of cotton and wool within this state," the legislature gave him the " exclusive right, privilege and benefit " of making and selling these machines within Maryland during the next fourteen years. The penalty for making or selling these machines without the inventor's license was £50, to be paid to Lemmon.[66]

The only other patentee during this period was Oliver Evans, a miller from Delaware, who desired a patent in 1787 on a series of inventions. They are named and describe in the preamble of the act granting him his patent as an " elevator " to raise and lower flour to different floors of a mill, a " hopperboy " to spread and gather the flour without manual assistance, and a " steam-carriage," a vehicle " to move by the power of steam and the pressure of the atmosphere " to convey " burthens without the aid of animal force." [67] Evans' steam-carriage had been " rejected and derided " by the legislature of Pennsylvania shortly before he had applied to Maryland.[68] The General Assembly commented in granting the patent that these inventions of Evans would " greatly tend to simplify and render cheap the manufacture of flours, which is one of the principal staples of this state." In order to make " adequate compensation " to Evans, the legislature gave him the exclusive privilege of making and selling his machines for a period of fourteen years. Further, he was to be paid £100 for every machine made or sold without his license. Nothing in the act was to prevent a future General Assembly from abolishing Evan's exclusive right upon paying him £500 current money.[69]

Evans' mill inventions were soon introduced into the mills around Baltimore, not without claims of prior invention by some of the local mill owners.[70] After being installed in the extensive mills of the Ellicotts on the Patapsco, the machines

[66] *Md. Sess.*, 1786, c. 23.

[67] *Ibid.*, 1787 Apr. c. 21. See [Edward Spencer], *A Sketch of the History of Manufactures in Maryland* (Baltimore, 1882), pp. 42-44 for a résumé of Evans' career and an explanation of his inventions.

[68] J. Thomas Scharf, *History of Baltimore City and County from the Earliest Period to the Present Day* (Philadelphia, 1881), p. 374. Hereafter cited as Scharf, *Baltimore*.

[69] *Md. Sess.*, 1787 Apr. c. 21.

[70] Griffith, p. 119.

cut production costs tremendously. With this machinery the Ellicott mills could turn out 320 barrels of flour a day and the gain, by thus increasing production, was estimated at $32,500 a year.[71]

Likewise without use of public money the state aided enterprise through franchises. Although there had been some stage coach lines before the war, these were usually confined to the main route between Annapolis (or Baltimore) and Philadelphia.[72] After 1783 new stages lines sprang up in all parts of the state, linking Annapolis and Baltimore,[73] Annapolis and Easton, Baltimore and Easton (by stage and boat),[74] Annapolis and Frederick, and Frederick with points farther west.[75] A great variety of stage routes through to Philadelphia were established during the postwar period. Several of these routes utilized water transportation wherever possible: a favorite route from Annapolis was by packet up the Chesapeake and Delaware Bays and by stage across the peninsula from "Frenchtown" or Elkton to New Castle, Delaware, and thence to Philadelphia.[76]

One of the Baltimore-Philadelphia stage companies which used a predominantly land route was that of Gabriel Peterson Vanhorn who established his service in 1782.[77] His route from Philadelphia lay through Elkton, across the Susquehanna, and over the post road to Baltimore. In 1785 Vanhorn petitioned the Maryland legislature for the exclusive right to run stages on the "great publick road" from the Susquehanna to the Potomac River by way of Baltimore. The General Assembly agreed that the "establishment of stage carriages on the said public highway will greatly promote the convenience of the citizens of this state by affording a constant, easy, and speedy conveyance of passengers, and may otherwise be of great public

[71] Scharf, *Baltimore,* p. 374.

[72] *Ibid.,* pp. 310-11; the earliest stage line in Maryland began in 1757.

[73] A. *Md. Gaz.* Also Sept. 27, 1787 (advertisement) B. *Md. Gaz., A*pril 20, 1790 (advertisement).

[74] A. *Md. Gaz.,* July 30, 1801, p. 3 (advertisement).

[75] Griffith, p. 106; Sioussat, p. 158.

[76] *Ibid.* See the "Philadelphia and Baltimore New Line" advertisement in A. *Md. Gaz.,* Aug. 25, 1791 and in the *Md. J.,* Jan. 10, 1792 thanking the public and its patrons for the encouragement thus far given it.

[77] Griffith, p. 97.

utility." [78] It granted the monopoly for six years, providing Vanhorn complied with certain conditions.[79] He was at all times to keep a sufficient number of carriages in good repair to convey all that requested passage. He was to make no less than three trips a week from one river to the other from April to November and two trips the rest of the year, unless prevented by bad weather from doing so. Specific rates for passengers and baggage, according to the kind of vehicle, were imposed on him, with a penalty of £5 for every overcharge. Vanhorn was to enter into bond before the governor and council to insure the faithful performance of his duties. There was to be no tax imposed on his stage coaches unless the road was established by law as a turnpike. Should Vanhorn neglect any of his duties, "to the prejudice and damage of the state," the act was to be void, and the General Court was to determine whether the grant should cease.[80]

A few years later Vanhorn advertised his "Philadelphia, Baltimore and Eastern Shore Line of Post Coach Carriages" as running between Philadelphia, "Susquehannah," Head of Elk, (Elkton) Warwick to Chester, and Talbot County, and carrying the post mail between Philadelphia and Baltimore, and Philadelphia and Talbot. The advertisement also mentions the fact that "by act of the Maryland General Assembly" Vanhorn had the exclusive right of conveying passengers and stage coaches for hire between the rivers "Susquehannah and Potomack." [81] The same year, 1788, Vanhorn again applied to the legislature, this time to extend the time of his exclusive privilege because, he claimed, "from the declension of commerce, the want of public bridges, and the ruinous state of the highways," he had been subjected to very heavy losses and probably would "during the residue of the term granted him be prevented from benefiting from the . . . exclusive privilege . . ." [82] The General Assembly, in extending his monopoly until February 1794, said that the object of

[78] *Md. Sess.*, 1785 c. 14.
[79] *Ibid.* The exact route as specified by the act was from the river Susquehanna, passing through Baltimore-town, to Georgetown or the ferry opposite Alexandria on the Potomac.
[80] *Ibid.*
[81] B. *Md. Gaz.*, Jan. 8, 1788, p. 1.
[82] *Md. Sess.*, 1788 c. 18.

the original grant was to "indemnify him in attempting and bringing to perfection an institution of great public utility, and to encourage his further exertions . . . and that the speedy and punctual conveyance of the mail principally depends upon its support." [83] All the privileges of the former act were to be continued and Vanhorn was to enter into another bond. The General Assembly reserved the right to reduce the established rates if they were found unreasonable.

A similar exclusive privilege was given in 1790 to Robert Hodgson and James Thompson over a route from Delaware, via the great public road on the Eastern Shore, through Chestertown to the Bay in Kent County, where a ferry could be taken for Baltimore (to North Point). They were also given a right, not exclusive, to run stages from North Point to Baltimore. This route was quite popular although delays were often encountered in crossing the Bay.[84]

Both Vanhorn, and Hodgson and Thompson applied to the General Assembly in 1793 for a further extension of their privileges because ". . . the late fatal contagion prevalent in Philadelphia" (yellow fever) necessitated a suspension of the running of their stages to prevent the spread of the disease into Maryland. The Baltimore Committee of Health recommended Vanhorn "to the favour of this house, for his cheerful and ready compliance with the measures adopted by them . . . and have also recognized the sacrifice he made for the general welfare." Under these circumstances, the General Assembly thought it "reasonable to grant the prayer of the petitioners . . ." Their privileges were extended to August 1794[85] but not renewed again.

Another stage line, which did not have exclusive privileges, applied to the General Assembly in 1806 for another form of indirect aid. Since the route between Philadelphia and Baltimore by way of "French-town" on the Elk River had become an "object of great public import and utility," the proprietor of the "French-town and New-castle Water and Land Stages"

[83] *Ibid.* For Vanhorn's unsatisfactory performance as a U.S. mail carrier see O. W. Holmes. "Stagecoach and Mail from Colonial Days to 1820" (Columbia Univ. thesis), 1956, pp. 133-140.

[84] *Ibid.*, 1790 c. 28; Sioussat, p. 158.

[85] *Md. Sess.*, 1793 c. 15.

was allowed to open a road from Frenchtown to Cecil County to intersect the road leading to Newcastle at the Delaware line. The road was to be a public one, but it was to be kept in repair by the stage coach owner.[86]

It would seem that Maryland granted no toll franchises to ferry owners as Massachusetts did.[87] The ferries on the larger rivers and on the Chesapeake Bay were usually privately owned and operated and not regulated by the Maryland Assembly.[88] Occasionally the Assembly did grant the tolls of a bridge or road to encourage some person to undertake the construction of the facility. The public bridge over Tuckahoe Creek was to be rebuilt by this method.[89] The revenue from a public road authorized in 1790 was to be farmed out for not more than twenty years to anyone offering to undertake its construction.[90]

These two were public facilities, but one privately controlled was aided in this fashion by the General Assembly. In Baltimore County William Hammond, the owner of a ferry on the Patapsco River, proposed to the General Assembly that "if proper encouragement was given, a floating bridge might be erected over the . . . river . . . of a sufficient width for carriages to pass." This improvement, he thought, would "greatly facilitate the intercourse to and from the town of Baltimore to many parts of the state."[91] Hammond was to erect the "floating bridge" at his own expense and was to prevent obstruction of the Patapsco by a drawbridge or other means. He was to enter into bond with Baltimore County to finish the bridge in three years. Because the General Assembly was "desirous of encouraging such laudable undertakings," it granted him

[86] *Ibid.*, 1806 c. 36.

[87] Oscar and Mary Handlin, *Commonwealth; a Study of the Role of Government in the American Economy: Massachusetts, 1774-1861* (New York, 1947), p. 163.

[88] Although subject to no public controls as Clarence Gould, *Money and Transportation in Maryland, 1720-1765,* Johns Hopkins University *Studies in Historical and Political Science, XXXIII* (Baltimore, 1915, No. 1), p. 136, notes, the competition for business must have exercised some measure of control on their rates and practices. Also see the advertisement in A. *Md. Gaz.,* Aug. 24, 1797, p. 4, describing two "just built boats" for the Chesapeake Bay Ferry from West River, Anne Arundel County to Kent and Talbot counties.

[89] Davis, II, 218.

[90] *Md. Sess.,* c. 32.

[91] *Ibid.,* 1788 c. 26.

the privilege of taking tolls from all persons using the bridge, as long as he fulfilled the conditions specified.

The most direct form of state aid to private enterprise was that of loaning money to businessmen. In all probability, since this form of state action did entail cost and risk to the state, it was indulged in only rarely. During the postwar period only one Maryland businessman, Johann Friedrich Amelung, was the recipient of such aid. Amelung was the German immigrant whose glass factory near Frederick manufactured some of the finest early American engraved glassware in existence.[92] In his pamphlet, which pleaded for aid to American manufacturers and for aid to European artisans to enable them to bring their knowledge to America, he said that he had chosen Maryland for the establishment of his factory from the advice of Marylanders who had been visiting Bremen, Hanover. They had told him that in Maryland he could expect " to meet . . . with encouragement," that raw materials for glass were abundant in the state, and that his finished glass would bring a higher price in the United States than in England or Germany.

> The principal point was, and which we had the greatest reason to expect, that the Government of this State would encourage and assist to their utmost a Manufactory, which drew a number of industrious workmen into it,

and which, since the raw materials could be found right in the state, would keep the large sums of money formerly spent for imported glass in the country.[93] Amelung arrived in Maryland in 1784 and proceeded to a 2,100 acre site near the Monacacy River in Frederick County.[94] There he erected his factory, the " Glass House," homes for himself and his workers, and a German and English school.[95]

The factory did begin production, because in February of 1789 Washington wrote to Jefferson that the factory was likely

[92] Examples of Amelung's glassware may be seen at the Maryland Historical Society.

[93] Amelung, p. 10.

[94] Dorothy Mackay Quynn, " Johann Friedrich Amelung at New Bremen," *Md. His. Mag.*, XLIII (Sept.., 1948), 158.

[95] Amelung, pp. 12-13.

to produce glass to the value of £10,000 that year.[96] And in the same year Phineas Bond, the British Consul at Philadelphia, reported that "they have . . . expended very large sums of money and make glass of different kinds to a very large amount."[97] In July 1790 it was said that Amelung's factory was employing 500 people.[98]

Nevertheless, after such an auspicious beginning, Amelung soon found it necessary to ask the Maryland legislature for help. In a petition to that body in the spring of 1788 he stated that he had already spent over £20,000 in establishing his factory, had given employment to 342 people, had brought his factory "to a considerable degree of perfection, both as to the quantity and quality of his glass," and had sold his glass at a lower price than any imported glass. But, he continued, the heavy expenses of running the factory and the difficulty of obtaining cash for his glass equal to his expenses would force him to discontinue "the valuable undertaking" unless the legislature would aid him by a loan of £1,000 and an immunity from taxes for six years (in addition to the four years to which he was entitled under the Naturalization Act of 1779).[99] The General Assembly being "deeply impressed with the propriety of affording every aid and support in their power to attempts of such utility" granted all that he asked, on condition that Amelung repay £500 in three years and the rest four years later.[100]

In 1790 the General Assembly granted Amelung further time for repayment of his loan, because his glass works had been destroyed by fire.[101] A General Assembly resolution of 1791 declared that since Amelung had suffered "unexpected and heavy" losses and could not repay his loan at the times agreed upon, "without great injury to his manufactory," he should "be entitled to receive the same indulgence as to the

[96] Davis, II, 264.

[97] *Ibid.*, Bond thought the quality of the different kinds of glass made there "very mean," "thick and heavy," and "irregular and dim."

[98] *Ibid.*

[99] This act relieved new citizens who were "tradesmen, manufacturers, or artificers" of all taxes for four years; all other new citizens would be relieved for two years; *Md. Sess.*, 1779 July c. 6, 1772 c. 14, 1773 c 26.

[100] *Ibid.*, 1788 May c. 7.

[101] *Ibid.*, 1790 Resolution. In May 1790 Amelung had petitioned Congress for a loan and had been refused; Quynn, 170.

times of payment, that the other debtors to the state . . . will be entitled to" under provision of an act passed for debtors that session.[102] Whether Amelung repaid the money to the state is uncertain, but it is probable that he did not, because in 1800 Amelung died while the New Bremen factory was still in financial difficulties. Amelung's son, Johann Friedrich Magnus Amelung, moved the glass factory to Baltimore in 1800, but by 1802 he had to cease operations because he too was in financial straits.[103]

In the field of direct loans to businessmen the state's experience in this first and only case probably disappointed all concerned. Evidently Amelung's failure made the state cautious in investing its funds in risky ventures, no matter how laudable or desirable they seemed to be.

Tax exemption, including the relief of all taxes for limited periods of time on new citizens, particularly merchants, manufacturers, and artisans, was used by the state to attract desirable citizens and businesses to Maryland. Monopolistic privileges and loans were used sparingly to aid private business in projects the General Assembly thought worthy and of benefit to Maryland. In the popular writings of the times, there was neither denunciation nor even discussion about the wisdom of the state's granting monopolies or privileges to individual businessmen.

3

Corporate Privileges and State Participation: Transportation Improvements

Incorporation of privately-owned business, by far the most important means of state aid to Maryland business during this period, was a method never before utilized by the General Assembly to promote private enterprise. Corporate privileges in Maryland before the war had been confined to the erection of municipal corporations like the City of Annapolis or the

[102] *Md. Sess.*, 1791 Resolutions. The 1791 act provided a six months stay on debts.

[103] Quynn, 177. By an act of 1798 "for relief of certain foreigners" J. F. M. Amelung was secured in his property as if he had been a naturalized citizen at the time he acquired it.

creation of public corporations of a charitable or educational nature like the "free schools" of Maryland, established in the seventeenth and eighteenth centuries.

Maryland businessmen involved in certain types of enterprise found the corporation better suited to their needs than the partnership or joint-stock company.[104] Promoters of transportation improvements were interested in the legal provision of eminent domain which was often inserted in corporate charters. Bankers and insurance writers or associations, because of their comparatively greater capital risks, desired corporate charters that could provide them with limited liability.[105]

Incorporation under English law was considered a special privilege: corporations were always created by "letters patent" from the Crown.[106] During the Revolution when the American states became soverign, the power of granting corporate privileges was implicitly assumed.[107] In undertaking interstate projects both before and after 1789 Maryland preferred to exercise its sovereign right of incorporation through concurrent charters from each state concerned than to rely upon the central government's power of incorporation.[108]

All of Maryland's business incorporations in this period were by special act.[109] During more than one-half century of

[104] In this article "business corporation" will be used in the broad sense of any corporation formed with a profit motive and will include financial corporations, although today they are not usually thought of as a business corporations.

[105] Davis, I, 5, lists features common to all corporations in the eighteenth century: its juridical nature as a "person," its immortality, its distinct name by which it could sue and be sued, its perpetual succession, its ability to hold property as its own, its limited liability, and its well-defined constitution. But more recent writers, Oscar and Mary Handlin, "Origins of the American Business Corporation," *Journal of Economic History*, V (1945) and Shaw Livermore. *Early American Land Companies, Their Influence on Corporate Development* (New York, 1939) p. 226, disagree with Davis on the establishment of limited liability as a common feature of eighteenth-century corporations. In a matter of immortality, many Maryland charters were issued for only a specified number of years.

[106] Davis, I, 5-6, II, 329.

[107] *Ibid.*, II, 8-9. Usually this power was not mentioned in the state constitutions because of its "implied inclusion in legislative powers" and because "its significance was not yet recognized."

[108] See the Potomac Company 1784 bi-state incorporation with Virginia, and the Chesapeake and Delaware Canal, 1799, involving Maryland, Pennsylvania, and Delaware incorporations.

[109] There was no general incorporation law in Maryland until 1852.

such incorporation, corporate privileges were granted sparingly by the General Assembly, probably because of its fear of monopolies and because of prejudice against some English corporations which had been operating in the colonies before the Revolution.[110] Between 1783 and 1807 the General Assembly created forty-two business corporations. The largest number created in any one year was eleven in 1804. Four types of companies were incorporated in Maryland: companies for transportation improvements, banks, insurance companies, and local public utility companies.

TABLE I

CORPORATIONS CHARTERED FOR BUSINESS PURPOSES
SPECIAL ACT 1777-1807

Type		*Number*	*Per Cent of Total*
Transportation		22	52
Canals	5	11	
Turnpike Roads	10	24	
Toll-Bridges	7	17	
	22	52	
Banks		7	17
Insurance		10	24
Public Utilities			
Water Companies		2	5
Miscellaneous		1	2
		52	100%

Often Maryland participated directly in such companies by purchasing stock and electing directors in proportion to the amount of stock held. The "mixed corporation," as this state participation in private enterprise is usually known, was peculiar to Maryland and several other American states at that time.

Of the private interests seeking to improve transportation facilities, those first to apply to the Maryland legislature for corporate privileges were the inland navigation companies. Proj-

[110] Davis, II, 329.

ects to improve inland navigation, writes an authority on early American corporations, "called forth more corporation charters, more other legislative acts and more state support" in the states as a whole, than any other branch of early private enterprise.[111] Maryland was an early leader in this category of transportation companies. Even before the Revolution Maryland and Virginia had discussed the improvement of the Potomac River. Surveys were also made in 1767-68 to find the best route for a canal connecting the Chesapeake and Delaware bays.[112] These projects were put aside during the Revolution. However the war illustrated the necessity for good transportation on a larger than local scale.

Several of these projects, which were revived or begun after the war, were considered by the people of various states to be of nationwide importance.[113] Such were the hopes entertained by Marylanders, particularly Baltimoreans, for the Susquehanna canal. Before the war Baltimore interests built roads into the Susquehanna Valley of Pennsylvania to tap the growing trade of the area. Those Philadelphians who regularly controlled the government of Pennsylvania had provided little transportation between the valley and Philadelphia. They thought, however, that because of Pennsylvania's border troubles with Maryland, their western farmers would be forced to trade with Philadelphia, but this was not the case. Baltimore's war boom made it possible for that city to turn to internal improvements before Philadelphia could.[114] A commission was appointed in 1783 by the General Assembly to view the Susquehanna River in Maryland; if they decided that it could be cleared of obstructions and be made navigable, they were to estimate the expenses and make an accurate survey.[115]

At the November session of the same year, the commission reported favorably and "The Proprietors of the Susquehanna Canal" were incorporated to undertake the project. The mem-

[111] *Ibid.*, II, 184.
[112] *Ibid.*, I, 111-16.
[113] *Ibid.*, II, 16-17, 137.
[114] James W. Livingood, *The Philadelphia-Baltimore Trade Rivalry, 1780-1860* (Harrisburg, Penn., 1947), pp. 4, 16, 9. Only after 1789 did Philadelphia become interested in internal improvements and begin connecting Philadelphia and Central Pennsylvania by water and land routes.
[115] *Md. Sess.*, 1783 Apr., Resolution No. 17.

bers of the company, which was chiefly composed of Baltimoreans,[116] had already subscribed £18,500, and were, by the terms of the incorporation, to raise £1,500 more. With this amount they were to make a canal, thirty feet wide and three feet deep, from Love Island, near the Pennsylvania border, to the mouth of the Susquehanna River. The company was to have perpetual succession, the right of eminent domain, and the right to impose tolls, not exceeding one shilling per ton. Since the General Assembly wished to give the "undertaking every encouragement and support," it also allowed the corporation, as an indemnification for its great risk and expense, the exclusive right to erect grist mills and other water works on the canal. If the canal were not begun by October 1784, and finished in seven years, the act was to be void.[117]

Work had been begun by the next year, when the company applied to the legislature for several changes in its charter: the most important of which was the changing of the basis of the toll rates from tonnage to rates that differed according to the type of product carried. Several privileges which had been overlooked in the original charter were granted to the company. The canal and works were vested in the shareholders as tenants in common and were to be considered real estate: thus, legally, the company was not a true corporation. The canal and works were also ". . . forever exempt from any tax, imposition, duty, or assessment whatsoever . . .," and the company's shares were made transferable. The Assembly again asserted that it was willing to do every thing in its power to aid the project because its accomplishment "would extend the commerce of the state."[118] By April 27, 1785 Madison was able to write to Jefferson that "the undertaking on the Susquehannah by Maryland goes on with great spirit and expectations." And a little more than a year later he reported to Jefferson that the project was "in such forwardness as to leave no doubt of its success."[119]

Time and again it was necessary for the legislature to come to the aid of the company by extending the time for comple-

[116] Griffith, p. 101.
[117] *Md. Sess.*, 1783 c. 23. There were twenty shares at £1,000 apiece.
[118] *Ibid.*, 1784, c. 66.
[119] Davis, II, 119.

in the Susquehanna close to the Maryland line. This prevented any improvements below Columbia, Pennsylvania, until 1801 when, in return for Maryland's somewhat reluctant permission to construct the Chesapeake and Delaware Canal, Pennsylvania declared the Susquehanna River a public highway.[127]

Maryland-Pennsylvania relations were eased further in 1802 when the Maryland canal was complete enough for the governors of Maryland and Pennsylvania to inspect it. The two governors agreed that the canal constituted "probably the most important national work on this side of the Atlantic . . . [and] that the great national object contemplated can never be realized but by the joint exertions and under the joint authorities of the two states of Pennsylvania and Maryland."[128] In order to gain Pennsylvania's co-operation, Maryland was to prevail upon the Canal Company to relinquish its right to any tolls on the river bed.[129] Despite these fine words between the governors, Pennsylvania's attitude remained obdurate. Canal Company officials attempted to remove obstructions from Pennsylvania territory and were prevented from so doing by Pennsylvania officials acting under the 1799 act which made this illegal.[130] When it was found that Pennsylvania would not co-operate in any way, the Susquehanna stock fell from £1,000 per share to £500.[131]

In 1803 the canal managers announced that the route through Maryland was officially finished. It was a rough and irregular canal with many locks. Since the canal had been constructed as much for the purpose of erecting water-powered mills as for transportation, the canal tended to silt up. In time it became almost as dangerous to navigate as the river, and, because of its tolls, it was avoided in seasons when the river was navigable. In addition the engineers of the canal had made a serious mistake in cutting the canal too narrow and shallow. Since the usual boats for carrying Susqehanna prod-

[127] *Ibid.*, p.33.
[128] A. *Md. Gaz.*, Nov. 18, 1802, p. 2, Governor Mercer's Communication to the General Assembly.
[129] *Md. Sess.*, 1803 c. 102 ending the company's tolls on the river bed and increasing its tolls on the canal.
[130] Livingood, p. 35.
[131] *Ibid.*, p. 34.

tion,[120] increasing shares, and allowing foreigners or aliens to purchase stock in order to bring more capital into the company.[121] Governor Stone, in his speech to the legislature in 1796, asked that "a liberal sum of money be granted and applied in aid of the funds of the Susquehanna Company to complete the navigation of that river as far as it extends in Maryland." [122] In its reply the General Assembly declared that it would give the application of the Susquehanna Canal Company "the consideration which its importance merits." [123] However, not until 1799 did the legislature grant the company a loan of $30,000 at six per cent interest for ten years to be used to open the canal.[124]

Soon it was seen that no matter how much effort and money was put in canalling the Susquehanna in Maryland, it would be of little use unless Pennsylvania would give permission for the obstructions to be removed from the river on the Pennsylvania side.[125] Of course Philadelphia, not desiring to benefit Baltimore, its greatest rival, at its own expense, refused. Maryland then decided to clear the river bed of obstructions, and first declared the Susquehanna River a public highway, giving anyone willing the permission to clear the river. Two years later, finding this work proceeding inadequately, the legislature gave the Susquehanna Canal Company the right to charge half-tolls on the river itself if within five years it would spend $5,000 to clear the river bed.[126] Pennsylvanians were furious about this law because just a short time before Maryland had declared the river a public highway, i.e., toll free to all. Thereupon Pennsylvania reinstated its old policy of obstruction by passing an act that year making it an offense, punishable by a fine of $200 to $2,000, to remove any obstacles

[120] *Md. Sess.*, 1790 c. 36 extending time to 1798 and 1797 c. 99 extending to Dec. 1805.

[121] *Ibid.*, and 1799 c. 17, 1801 c. 99.

[122] A. *Md. Gaz.*, Nov. 24, 1796, p. 2

[123] *Ibid.*

[124] *Md. Sess.*, c. 17.

[125] See Davis, II, 119 on contemporary opinion of the limited value of Maryland's canal and a New Yorker's view of Pennsylvania's "narrow and partial views."

[126] *Md. Sess.*, 1797 c. 99, 1799 c. 17. See also 1795 c. 63, 1804 c. 100 authorizing lotteries to improve the river bed. These acts do not place the lotteries under the control of the Susquehanna Canal Company as Livingood, p. 35, says although some original subscribers to the canal stock appear as managers of the lotteries.

ucts were wide, flat-bottomed boats, the river was used whenever possible.[132] The canal proved unprofitable despite state aid, assessments on stockholders, lotteries, and tax exemptions. When the canal was sold in 1817, the original owners suffered great financial losses.[133]

One year after the incorporation of the Susquehanna Canal Company a second project of national importance, the improvement of the Potomac River, was undertaken by Maryland, in co-operation with Virginia. There were interstate disputes blocking this project also. Maryland had always claimed that the state's original land grant had given it sole ownership and exclusive jurisdiction over the Potomac River up to the Virginia shore. This along with Maryland's position upon the Chesapeake Bay, made it necessary that the states' respective rights should be carefully defined. Meetings between the two states during the war had proved unfruitful.[134] Maryland dispatched a new set of commissioners to Alexandria in 1785. There they met the Virginia commissioners and at Washington's invitation adjourned to Mount Vernon where they succeeded in writing a compact which at the time pleased both states.[135] The compact, which was soon ratified by both legislatures, provided for Maryland's right of passage through the lower Chesapeake and on the Pocomoke River, without toll or duty, and for Virginia's right to navigate and fish in the Potomac River.[136]

Meanwhile those interested in the Potomac as a way to the commerce of the West had submitted plans to the Maryland legislature for an incorporated company, and the legislature had appointed a commission to survey the river and estimate the expense of making the river navigable at each falls.[137] On December 28, 1784, the General Assembly incorporated "The Patomack Company" with a capital of £50,000 ($222,222) in

[132] *Ibid.*, pp. 34-35.
[133] *Ibid.*, pp. 35-36.
[134] Scharf, Maryland II, 529 for unsuccessful wartime conferences.
[135] *Md. Sess.*. 1784 Resolution No. 24; Scharf, Maryland, II, 529.
[136] *Md. Sess.*, 1785 and Jensen, p. 343.
[137] *Md. Sess.*, Apr. Resolution No. 23. The four obstructions to the navigation of the Potomac were Little Falls, three miles above tide water; Great Falls, six miles higher; Seneca Falls, six miles higher; and Shenandoah Falls, sixty miles beyond. Davis, II, 128.

five hundred shares. The company was given the right to condemn land and use the canal water for mills and forges. Because of the willingness of many to subscribe large sums of money " to effect so laudable and beneficial a work," the General Assembly thought that it was only " just and proper that they and their heirs should receive reasonable tolls for ever."[138] These tolls were granted on the condition that the company make canals around the major falls and clear and deepen the river bed wherever necessary. In order to benefit from the act, the company had to begin work within one year after the company was formed, and had to complete the whole work from Fort Cumberland to tidewater within thirteen years. As a further encouragement to the company, the state promised to subscribe to as many shares as Virginia did.[139] From a legal point of view the Potomac Company was lacking an important requisite of a corporation. The land and works of the company were vested in the proprietors as tenants in common so that the title lay not in the corporation but in the indivdual shareholders.[140] Early in 1785 Virginia passed a similar act and subscribed to fifty shares.

Since the object of this essay is to trace the role of state action in private enterprise in Maryland, only that part of the Potomac Company's history relating directly to state encouragement and aid to the company will be discussed.[141] George Washington, one of the most ardent advocates of opening the Potomac route to the West, had wanted the state governments themselves to undertake the work. But when he saw that there was little chance for this plan to be adopted, he lent his name and influence to the plan of a corporation in which the states would be stockholders.[142] In order to make the Potomac River an actual route for western commerce, roads linking the Potomac with the Ohio River had to be provided. Conferences among commissioners of Maryland, Virginia, and Pennsylvania

[138] *Md. Sess.*, 1784 c. 33 (Preamble).

[139] *Ibid.*

[140] Livermore, p. 256. As in the Susquehanna Company, the canal and works were exempted from taxation.

[141] For a general account of the company's history see Davis, II, 120-136, and a monograph by Cora Bacon-Foster, " Early Chapters in the Development of the Potomac Route to the West." *Proceedings of the Columbia Historical Society*, XV (1911).

[142] Davis, II, 121.

brought agreements, grudging on Pennsylvania's side, on routes for such roads, costs, and free use of the Ohio River. By 1786 all three states had approved these plans.[143] Baltimore merchants were always opposed to any improvement to Potomac navigation because it would direct much of the western trade to the Potomac ports of Georgetown and Alexandria. However, the Baltimore interests did not block the project in 1784, probably because they thought it unlikely to succeed;[144] but many citizens complained bitterly in the Baltimore newspapers about the money the legislature had voted to spend on opening the Potomac.[145] Annapolitans who favored the project, partly as a check to Baltimore's influence and power, replied that if attempts to link east and west were not made, the western trade "will otherwise go down the Mississippi." Virginia, one article continued, would not derive all the benefits from the act. Georgetown, Maryland was further upstream than Alexandria and could expect great benefits.[146]

A president, George Washington and directors for the company were elected in 1785 and soon placed advertisements in the Annapolis paper for a manager and assistants and 100 laborers.[147] Work was actually begun August 8, 1785 at Shenandoah Falls, Harper's Ferry. By 1792 many boats were able to come from the headwaters to Great Falls, and the Company, by a revision of its charter, was allowed to charge half tolls on this traffic.[148]

After this initial advance the work was slow and the company sought further state aid. Almost immediately the company had been beset by problems of finance, labor, management, and lack of technical knowledge common to all canal

[143] *Md. Sess.*, 1784 Resolution No. 7, Davis, II, 122-23, A. *Md. Gaz.*, Feb. 16, 1786, giving Pennsylvania act.

[144] Davis, II, 122.

[145] B. *Md. Gaz.*, Feb. 11, 1785, "Planter."

[146] A. *Md. Gaz.*, Apr. 21, 1785, p. 2, "Answer to the 'Planter.'" He thought that when the state saw to it that the Susquehanna was opened to its sources, it was "probable that no more complaints will come from any Baltimore writer on this score."

[147] A. *Md. Gaz.*, May 26, 1785, p. 2, June 9, 1785. It is interesting to note that James Rumsey of Virginia was chosen the "principal manager" since he was familiar with the Potomac River; Davis, II, 125.

[148] *Ibid.*, pp. 132-33 and Walter S. Sanderlin, *The Great National Projects: A History of the Chesapeake and Ohio Canal*, Johns Hopkins University *Studies in Historical and Political Science*, LXVIV (1946 No. 1), p. 34.

projects in this period.[149] Changes in the charter began soon after the company had been incorporated. The size and width of the canal locks were modified;[150] additional time for completion of the works was given,[151] permission was given for the company to clear the Shenandoah River (which empties into the Potomac at Harper's Ferry),[152] and restrictions on the movements of slaves between Maryland and Virginia were relaxed. "Hardly a request of the company was ignored."[153] In spite of the utmost assistance of both legislatures little more was accomplished in the 'nineties.

Attracting sufficient capital to finish the works was the fundamental difficulty, and here too the legislature encouraged and assisted, although not always to the extent that the company desired. Following the English pattern, shareholders in these early corporations were required to pay in only a portion of the price of the stock when purchased and were subject to future calls by the president and directors as capital was needed. When called for, capital was slow to come in, and there were many delinquencies. In 1790 the legislature provided the company with speedier methods of recovering delinquent shares.[154] Laws were also passed permitting the company's capital to be enlarged, and during 1794 and 1795 Maryland purchased 100 shares of this issue. By an act of 1790, foreigners were allowed to buy Potomac Company stock; this was probably to attract Dutch capital.[155]

Reporting optimistically on the progress of the canal to the legislature in 1796, Governor Stone said that "from the best information which I have been able to obtain, the works on that river will be complete in twelve months." The governor recommended that other internal improvements, such as the Susquehanna Canal, should be aided from the dividend that the Potomac Company would soon be paying on the state's

[149] Davis, II, 126.
[150] *Md. Sess.*, 1785, c. 3, 1796 c. 19.
[151] *Ibid.*, 1790 c. 35, 1794 c. 29.
[152] *Ibid.*, 1792 Apr. c. 9, Davis, II, 134; Maryland subscribed for sixty shares of this project.
[153] Davis, II, 133.
[154] *Md. Sess.*, 1787 c. 25, 1790 c. 35, A. *Md. Gaz.*, Mar. 5, 1789, p. 3, calling for delinquents to pay up or be prosecuted.
[155] *Md Sess.*, 1795 c. 51, 89, Davis, II, 133; *Md. Sess.*, 1790 c. 35.

stock.[156] In 1797 the company reported to the General Assembly that all the obstructions from the Savage River to tidewater had been removed except those at Great Falls. In order to facilitate transportation of goods over the Great Falls (until the locks could be completed), the company had constructed an "inclined plain" (with pulleys) to lift articles over the obstructions. The company petitioned the Assembly, saying that since those using the river reaped great benefit from this, the labors and expenses of the company ought to be recompensed by allowing it to collect tolls at Great Falls. This the Assembly granted.[157]

In 1798 when neither private indivduals nor the two states could be prevailed upon to subscribe for new shares, the company borrowed $6,000 from the Banks of Columbia (in what is now the District of Columbia) and Alexandria, with collateral of public debt stock loaned from George Washington and Daniel Carroll. The new tolls granted in 1797 were of great help to the company in constructing the locks at Great Falls.[158] By 1799 the Maryland legislature had been persuaded by persistent lobbyists to aid the company once again by subscribing to £13,000 worth of new stock.[159]

Finally with this aid the company was able in 1801 to declare the locks at Great Falls complete and the navigation of the Potomac open to full tolls.[160] In 1815 a report on the company to the Virgina House of Delegates stated that about 338 miles of the river had been made navigable at a cost of about $500,000 and that Maryland and Virginia had furnished more than half the capital. Except for one dividend of $5.50 per share in 1802, the toll revenues had been consumed in maintenance, operating expenses, and futile attempts to complete the navigation system as stipulated by the charter.[161] By the 1820's the company was persuaded that no amount of money

[156] A. *Md.,Gaz.,* Nov. 24, 1796, p. 2, and reply of legislature Nov. 31, 1796, p. 2.
[157] *Md. Sess.,* 1797 c. 92.
[158] Davis, II, 134.
[159] *Md. Sess.,* 1792 Resolutions. Davis, II, 135 says that a loan was granted to the company the same year but there are no records of it in the financial statements in the *Votes and Proceedings of the House of Delegates of Maryland . . .* 1777-1807 (Annapolis, by session) in the following years.
[160] Davis, II, 135, *Md Sess.,* 1802 c. 84.
[161] Davis, II, 135.

would improve the Potomac sufficiently, and in 1828 it surrendered its rights to the Chesapeake and Ohio Canal Company.[162]

The possibility of linking the Chesapeake and Delaware bays by some sort of canal had interested Maryland, Delaware, and Pennsylvania—each for a different reason — since the seventeenth century. Surveys of the area had been made both before and after the Revolutionary War, and the project had been declared feasible.[163]

Although plans for such a waterway were conceived earlier than either the Susquehanna or Potomac canals, the Chesapeake and Delaware was the last of Maryland's three major navigational improvements to be undertaken because of the jealousies and rivalries of the three states. Pennsylvania was the chief promoter of such a canal because it stood to gain most by it — at Baltimore's expense.[164] Baltimoreans soon realized this and were vehement in their opposition. Even Annapolitans, usually not overly solicitous of Baltimore's welfare, noted that the project "planned by some of your [Baltimore's] friends, with the assistance of the Susquehanna members" would, if successful deliver Baltimore from "the troubles of the bay trade."[165] Bills for a canal introduced into the Maryland legislature in 1795 and 1797 only increased Baltimore's fears of Philadelphia's dominance over the Chesapeake Bay trade. A Marylander's pamphlet on the subject in 1797 stated that Philadelphia's trade domination would be assured because Philadelphia had ten times the capital resources of Baltimore, would control any company set up, and would be able to destroy Baltimore "as an independent and valuable market."[166]

Meanwhile, throughout the 'eighties and 'nineties, meetings had been held by representatives of the three states. Madison wrote to Jefferson in 1786 that

Pennsylvania means now to make her [Maryland's] consent to it a condition on which the opening of the Susquehannah within the

[162] Scharf, *Maryland* II, 521, Sanderlin. p. 61.
[163] Scharf, *Maryland* II, 523, Davis, II, 137.
[164] *Ibid.*, 136, and Livingood, p. 84.
[165] *Md. J.*, Jan. 13, 1794, letter from an Annapolitan to Baltimore.
[166] Quoted in Livingood, p. 85.

limits of Pen[a] will depend. Unless this is permitted the opening undertaken within the limits of Maryland will be of little account. It is luck that both parties are so dependent on each other as to be thus mutually forced into measures of public utility.[168]

Maryland, finally agreeing to the project on just such terms as Madison had outlined thirteen years before, in 1799 incorporated The Chesapeake and Delaware Canal Company to make the cut [168] In most respects the charter was similar to that of the Potomac Company except that the original capital was to be $500,000, any net profits over thirty per cent were to be divided equally between Delaware and Maryland, and there was no provision for Maryland state investment in the company.[169]

The Pennsylvania and Delaware incorporaton acts were not passed until 1801, and it was not until May 1803 that sufficient shares had been subscribed to permit the organization of the company. True to their interest, Baltimoreans had not bought a single share of stock in the company although 256 shares were sold elsewhere in the state.[170] The Elk River route was decided upon and work began in 1804. By 1805 the company was in serious trouble. No work had been done on the main channel and the shareholders had refused to pay on their subscriptions. The company turned to the chartering states, but not even Pennsylvania seemed to be interested. In vain it petitioned Congress for aid, referring to the canal as the first internal improvement of national interest. The work dragged on until 1829 [171] when the whole canal was finished. One of the main reasons for this long delay was the absence of any state assistance (except the incorporation itself) such as the Susquehanna and Potomac projects had received.

Two other companies to improve inland navigation which were incorporated in this period were concerned with projects of a local or county interest. One, the Pocomoke Company, incorporated in 1796 to extend the navigation of the Pocomoke River from Snow Hill to the Delaware line, had a capital of $11,000. It was given the right to raise more money by

[167] Davis, II, 136.
[169] See above.
[169] *Md. Sess.*, 1799 c. 16.
[170] Out of a possible 2,500 shares. Livingood, p. 87.
[171] *Ibid.*, p. 86, Scharf, *Maryland*, II, 524.

lottery if its capital was not sufficient. Another, the St. Martin's Navigation Company, chartered in 1803 to improve the St. Martin's River in Worcester County, had a capital of $10,000. In both of these charters the canals and profits were vested in the proprietors rather than in the company, as in a true corporation.[172] Nothing can be found to indicate whether the companies were ever active. Other improvements of navigation without the benefit of incorporation were by individuals, tenants in common, or lotteries.[173]

At one time Maryland was invited to subscribe for shares in the Ohio Canal Company, incorporated by the Kentucky legislature. Although Maryland was " at all times desirous of cooperating with any other state " and was interested in linking the commerce of the West to Maryland, it politely declined subscribing as being " inexpedient at this time." [174] Maryland had difficulty in financing its own improvements, and it was in a better financial condition than many of the other states.

However, even with extensive state aid, Maryland had found its experience with canals disappointing. State aid and the corporate form of enterprise, which was necessary here,[175] had not been able to overcome the obstacles of finance, labor, management, and most of all, lack of technical knowledge that every navigational project of the time had encountered.

Maryland found the private corporation equally important for improving its land transportation system. Between 1796 and 1807 it incorporated ten turnpike companies, some of which never laid a mile of road. But others were fairly successful. It was the only state which had tried to construct turnpikes (toll roads) under public auspices, and the state was slower on that account than other states to turn to privately constructed toll roads. The people made no objections to state ownership, rather they were reluctant to give it up. But they found it necessary to change because public turnpiking had been found

[172] *Md. Sess.*, 1783 Apr. Resolution No. 21 creating a survey commission, 1796 c. 17; 1803, c. 64.

[173] A. *M. Gaz.*, Sept. 1, 1803, p. 3 announcing that Leonard Harburgh was making the Monacacy River navigable above Frederick; Davis, II. 180; *Md. Sess.*, 1801 c. 27, 1804 c. 18.

[174] *Ibid.*, 1806 Resolutions.

[175] Davis, II, 84, 174.

to be slow, inefficient, and expensive. What opposition there was to private toll roads came from those who objected to a governmental function being given to a private organization, or those who objected to paying tolls for the use of "public roads," or those who had had land taken for road beds or had been left out by the route chosen.[176]

But during the 'nineties the ever greater foreign demand for American foodstuffs—many cumbersome to transport—necessitated better roads to the West. The preamble to the incorporation of the Reisterstown turnpike acknowledged this as the reason for the act:

> the great quantity of heavy articles which are daily transported between the city of Baltimore and the western counties of . . . Maryland and Pennsylvania, requires an amendment of the highways which can only be effected by artificial beds of stone and gravel . . . [to] be undertaken by an association of citizens, if proper encouragement be given by the legislature.[177]

The merchants of the eastern cities used the corporate road company as a new instrument in the struggle for control of western trade.[178] Baltimore became the hub of the principal turnpike routes of the state.

It was only liberal concessions by state legislatures to turnpike companies which made turnpiking as attractive an investment as shipping or banking. Among those concessions generally given by most states were privileges in perpetuity or for a period of years, monopoly of route, building on already cleared road-beds, the power of eminent domain, fines for persons bypassing toll gates or damaging company property, and liberal time limits, with extentions, for beginning and completing the roads.[179] Few states, except Pennsylvania, subscribed to turnpike stock as a means of direct aid to the companies. Not until 1808 did Maryland subscribe to any turnpike stock.[180]

[176] *Ibid.*, II, 216, 310, Joseph A. Durrenberger, *Turnpikes: A Study of the Toll Road Movement in the Middle Atlantic States and Maryland*, (Valdosta, Ga., 1931), p. 81.

[177] *Md. Sess.*, 1797 c. 70.

[178] Durrenberger, p. 46.

[179] *Ibid.*, pp. 76-81.

[180] *Ibid.*, pp. 55, 98. In that year Maryland subscribed to $10,000 worth of stock of the Frederick Turnpike and $5,000 worth of stock of the York Turnpike and in 1809 made an additional subscription.

From the private turnpike system, Durrenberger believes, came the first good roads in the United States. In regard to construction, Maryland and Pennsylvania's roads were the best among those of the Middle Atlantic States. They were built of crushed stone at great expense, while the turnpike roads of New York and New Jersey were made of natural earth.[181]

Governor Stone reported to the General Assembly in 1796 that the main state roads were scarcely passable, that the methods theretofore employed to improve them were totally inadequate, and that good roads would require vast sums of money.

> I shall therefore take the liberty of submitting to your consideration, a plan for investing them [the roads] in different corporations, on a toll for a number of years.[182]

That session the legislature incorporated Maryland's first turnpike company, "The President, Directors and Company, of the Washington Turnpike Road." Unfortunately this company and those incorporated in the following years, The Elizabeth Turnpike Company, The Reisterstown Turnpike Company, The Allegany Turnpike Company, and the Cumberland and Union Road, accomplished nothing.[183]

Maryland's first successful turnpikes were incorporated in 1804. Three companies, The Baltimore and Frederick Turnpike Road, The Baltimore and Reisterstown Turnpike, and The Baltimore and York Turnpike, capitalized at $220,000, $160,000, and $100,000, respectively, were established. The new companies chartered to build the Frederick and Reisterstown roads had less capital than the companies formed in 1797.[184] Perhaps the legislature throught the companies would have a better chance of becoming active if less capital were required to be subscribed before the company could organize. Provision was made for increasing the capital later. These roads were to be made over the beds of the Baltimore County turnpikes of 1787, provided the company reimbursed the coun-

[181] *Ibid.*, pp. 160, 165. See Sioussat, p. 168 for the construction methods imposed on the Maryland companies incorporated in 1804.
[182] A. *Md. Gaz.*, Nov. 24, 1796, p. 2.
[183] Sioussat, p. 166.
[184] *Md. Sess.*, 1804 c. 51, 1797 c. 65, 70.

ty by giving it stock in the company to the value of the roads as evaluated by impartial judges.[185]

Two more turnpike companies were incorporated by the General Assembly before 1807. The Falls Road Turnpike,[186] also incorporated in 1804, with a capital of $40,000, was similar to the Baltimore turnpikes, except that it was not to be made over an already existing road bed. The Washington Turnpike Road, running from Georgetown to Frederick, chartered 1805, was to be constructed over an old road. It had a capital of $120,000. To encourage investment, the General Assembly made it lawful for any corporation, body politic, or individual in the United States to subscribe for its stock.[187]

In 1807 Albert Gallatin, Secretary of the Treasury, who had been ordered by Congress to make a report on American turnpikes, sent a list of questions to each active turnpike company. From the answers of the Maryland companies which had actually begun construction can be seen the exact status of the state's turnpikes in 1807.

Twenty miles of the Frederick Turnpike had been completed at a cost of $9,000 per mile; seventeen miles more had been contracted for at about $7,000 per mile, of which ten miles had been completed. The Reisterstown Turnpike Company had expended $200,000 of its $420,000 capital, had completed ten miles at a cost of $10,000 per mile, and the work was progressing on the rest of the route. All the bridges, as well as the road beds, were being made of stone. The length of road finished by the Falls Road Turnpike Company was a little over nine miles at a cost of about $7,500 per mile. The company thought its chances for more capital to complete the road would be much better if the legislature would allow the road to proceed toward Hanover and Carlisle as far as the Maryland line. The legislature had refused this modification of the company's charter on the grounds that the interests of the Reisterstown Turnpike Company might be damaged by a

[185] *Ibid.*, 1804 c. 51. See also suppl. 1804 c. 101; 1805 c. 15, 67; 1807 c. 144 allowing extentions of original routes or permitting companies to begin work on the roads earlier than provided in the original act.

[186] Running from Baltimore City into Baltimore County nearly paralleling Jones Falls.

[187] *Ibid.*, 1804 c. 91 and suppl. 1805 c. 48, 105; 1805 c. 79.

parallel route. The company still professed to have hopes for the legislature's permission.[188] By 1818 the Frederick Road had been completed to Boonsborough, sixty miles from Baltimore and the Reisterstown Road had been finished to Westminster. The dividends from the state's shares in the Frederick and York Turnpikes showed a steady increase each year.[189]

Maryland's turnpikes, built by private corporations with state aid, were successfully completed, and because they were well-constructed, they survived railroad competition better than the turnpikes of the other Middle Atlantic States. At the end of the nineteenth century Maryland had a greater portion of its turnpike mileage in operation than Pennsylvania, New Jersey, or New York.[190]

Almost as successful was the state's experiment in corporate privileges for private toll bridge companies. These projects were favored by legislatures and investors alike because, with their limited objectives and lesser amount of capital, they were less risky enterprises than canals or even turnpike roads.[191] Maryland incorporated seven tollbridges from 1791 to 1807 from which at least five bridges were completed. The only encouragement the legislature gave the toll bridge companies, besides the advantages of incorporation and tolls, was a monopoly of site similar to the monopoly of route granted to turnpike companies. These privileges were given because it was said that the company was assuming a burden in behalf of the public.[192]

Three of the bridges constructed by this method, were situated in what was soon to be the District of Columbia: The Georgetown Bridge Company (1791) with a capital of £32,500, The Eastern Branch Bridge Company (1795) with resources of $45,000, and The Anacostia Bridge Company (1797) with shares totaling $20,000.[193] By 1797 the Georgetown Bridge

[188] Albert Gallatin, "Report of the Secretary of the Treasury on the Subject of Public Roads and Canals; Made in Pursuance of a Resolution of the Senate . . ." presented April 4, 1808; in *American State Papers, Miscellaneous* (Washington, 1834), I, 820.

[189] Governor Goldsborough's Report to the Assembly, 1818, quoted in *ibid.*, pp. 172-74.

[190] Durrenberger, pp. 160-61.

[191] Davis, II, 215.

[192] Durrenberger, p. 77.

[193] *Md. Sess.*, 1791 c. 81, 1797 c. 92.

had been completed at a cost of $85,000 of which $47,000 had been subscribed by stockholders and the rest by a loan. Difficulties in paying the principal of this loan had probably depleted funds for maintenance of the bridge because in 1804 the high wooden arch of the bridge fell into the Potomac. The bridge was rebuilt in 1806.[194] The Eastern Branch Bridge (where the Pennsylvania Avenue Bridge now is) over the Anacostia River opened in 1804, and in 1806 the Anacostia or Upper Bridge was finished.[195]

The Water Street Bridge Company of Baltimore, chartered in 1796 with a capital of $10,000, was to make a "good stone or brick bridge over Jone's Falls in Baltimore-town." The company tore down an old bridge on the site and erected a satisfactory one.[196] It is not known whether the toll bridges over the Gunpowder, Patapsco, and Chester Rivers were ever finished. Each of the three had a charter resembling the other Maryland toll bridges.[197]

The first businesses in Maryland to take advantage of corporate privileges were the navigation companies. As most of these projects involved interstate co-operation, they were especially important. And since Maryland and its neighboring states found it difficult to co-operate on issues involving bi-state waterways, Maryland seemed to prefer entrusting construction to a private corporation composed of stockholders of each state rather than to a bi- or tri-state public board commission. Because the projects were of more than local benefit or interest, the privileges granted to these companies were more liberal than to other transportation projects.

In the field of land transportation improvements, construction alternated between public and private bodies according to which, at the particular time the improvement was under consideration, was thought to have the greatest possibility of

[194] Davis, II, 214. It is interesting to note that the only case concerning a Maryland corporation up to the year 1807 involved the Georgetown Bridge Company. In *McDonough vs. Templeman,* 1801, *Reports of Cases Argued and Determined in the General Court and Court of Appeals of the State of Maryland from 1800 to 1805.* Thomas Harris and Reverdy Johnson, compilers (Annapolis, 1821), I, 156-63, the court ruled that an agent of a company in contracting for some slaves did not make himself personally liable.

[195] Davis, 214-15.
[196] *Md. Sess.,* 1796 c. 56, Davis II, 215.
[197] *Md. Sess.,* 1801 c. 23; 1803 c. 103; 1804 c. 63.

bringing the project to completion.[198] The most conspicuous example of this was the public turnpikes of Baltimore County which were relinquished to private companies to improve. However, even then, the state continued to aid these private projects by one or all of many methods: corporate privileges, loans, tax exemptions, permission to conduct lotteries, and, later, direct monetary participation in such corporations.

(Continued in September)

[198] Milton S. Heath, *Constructive Liberalism; The Role of the State in Economic Development in Georgia to 1860* (Cambridge, Mass., 1954), p. 301, for similar practice in Georgia.

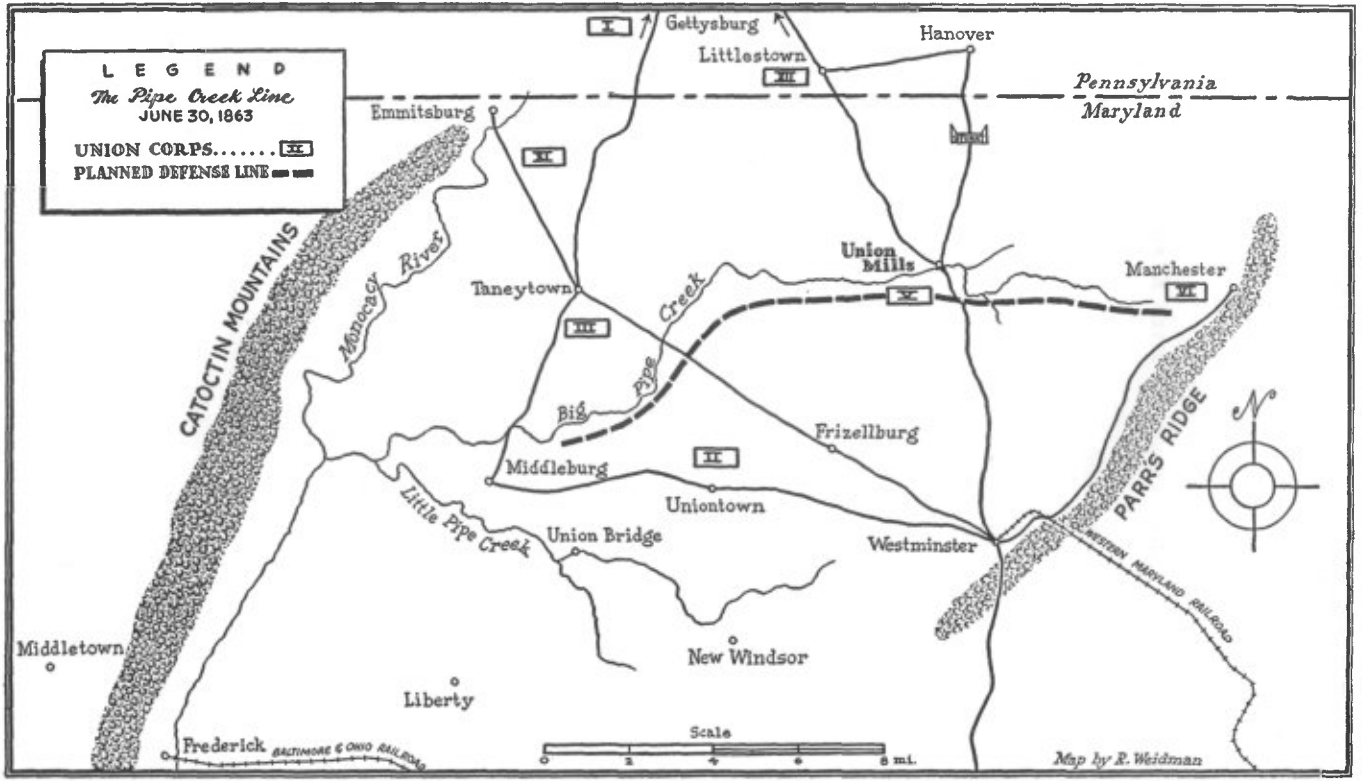
MEADE'S PIPE CREEK LINE

By Frederic Shriver Klein

EVERY account of the battle of Gettysburg makes some reference to Meade's Pipe Creek Line, but there is rarely more than a passing comment. It is common knowledge that Meade, when appointed to replace Hooker as commander of the Army of the Potomac, planned a defense line in Maryland, just south of the Pennsylvania border, but never had a chance to use it because of the accidental skirmish that became the great battle of the war at Gettysburg.

The official Pipe Creek Order was issued simultaneously with the outbreak of the fighting at Gettysburg, and only the corps commanders were aware that such a plan existed at the time of the battle. Actually, the Pipe Creek plan existed nowhere but in Meade's head for two days, and it can be traced only through his preliminary orders to establish it. At the moment it was officially announced, it had to be ignored by everyone, except Meade. Not until the battle was over and the inevitable discussions began about what might have happened under different circumstances did some knowledge of Meade's preliminary plans come to light. However, as in most campaigns, a difference of a few minutes or a few miles might have made the Pipe Creek Line the most important battlefield of the war, and the very fact that Meade had carefully made such a plan caused arguments, investigations, charges and counter-charges that continued to cloud the real story of the Pipe Creek Line long after the smoke of Gettysburg had cleared away.

Any study of the Pipe Creek Line reveals at once that there has been a good bit of geographical confusion since 1863. Almost every map of the Gettysburg campaign, from those of 1863 to the latest paper-jacketed Gettysburg story, has Pipe Creek placed in a different location, and most of them are wrong. Additional confusion is caused by the fact that there is a Big Pipe Creek, a Little Pipe Creek and a Double Pipe


LEGEND
The Pipe Creek Line
JUNE 30, 1863
UNION CORPS..... XII
PLANNED DEFENSE LINE
Gettysburg
Hanover
Littlestown
Pennsylvania
Maryland
Emmitsburg
Union Mills
Manchester
Taneytown
Monocacy River
Pipe Creek
Big
CATOCTIN MOUNTAINS
Frizellburg
PARRS RIDGE
Middleburg
Uniontown
Little Pipe Creek
Union Bridge
Westminster
WESTERN MARYLAND RAILROAD
Middletown
New Windsor
Liberty
Frederick
BALTIMORE & OHIO RAILROAD
Scale
0 2 4 6 8 mi.
Map by R. Weidman

Creek, all in the same vicinity. Also, Union Mills, a tiny village at a very important road junction which would have had to be the center of the Pipe Creek Line, is seldom shown on maps, because it was then, and still is, a tiny village. Union Mills, Union Bridge and Uniontown are all within a few miles of each other, and have often been confused in dispatches and in campaign histories, and there also is a Union Mills in Virginia which was the scene of some troop movements shortly before Gettysburg. Many maps show the railroad line from Baltimore to Frederick, but very few have the equally important railroad line from Baltimore to Westminster. which was the most essential feature of the Pipe Creek plan, for it provided a supply base behind the line with direct rail connection to Baltimore, and connecting roads to all parts of the Pipe Creek Line.

While Meade never had an opportunity to inspect the entire Pipe Creek Line, he had personally examined the western portion from Taneytown to Middleburg, near the point where Big Pipe Creek joins the Monocacy.[1] However, his chief of artillery, Brig. Gen. Henry J. Hunt, made a reconnaissance of the area on July 1st and was familiar with the terrain.[2] He was perhaps the only officer who travelled along the Pipe Creek Line with a view to its military use, and was very favorably impressed with its possibilities as an "offensive-defensive" line. Big Pipe Creek originated from a high ridge near Manchester, and flowed directly west through Union Mills toward Taneytown, turning south-west between Taneytown and Middleburg to enter Double Pipe Creek and the Monocacy. From Union Mills to its mouth, the stream meandered through a wide, flat valley, bordered on both sides by high sloping wooded hills. From Westminster, six miles south of Pipe Creek, roads fanned out to cover every important point along Pipe Creek—a road through Uniontown to Middleburg; a road to Frizzelburg and Taneytown; a road to Union Mills, where it branched into two forks, one leading to Littlestown

[1] U. S. War Dept., comp., *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), Ser. I, Vol. XXVII, Pt. I, p. 144. Hereafter cited as *O.R.*, with all references being to Series I.

[2] R. U. Johnson and C. C. Buel, eds., *Battles and Leaders of the Civil War*, 4 vol. (N. Y., 1884-1888) III, 290-291.

and Gettysburg, and the other to Hanover; and a road to Manchester. This was the Pipe Creek area, and Meade studied and planned for its use for three full days.

Before Meade was given command, Hooker had been moving slowly and cautiously north, keeping between Lee's army and Washington. Eventually, he hoped to intercept Lee's supply line through the valley by moving west, in Lee's rear, and for this reason he had planned to use the garrison at Harper's Ferry. His stubbornness on this point provided Halleck's excuse for his removal, and Meade received unexpected orders early in the morning on June 28th. His instructions stated that his army was the covering army of Washington, and that he was to maneuver and fight so as to cover the capital and Baltimore as far as circumstances would permit.[3]

It is important to remember that these were Meade's first, and almost only specific instructions—to cover the capital and Baltimore. He acknowledged this order at 7:00 a.m. on June 28th from Frederick, Maryland, stating that since he did not know where the enemy was, it appeared he would have to move from Frederick toward the Susquehanna, keeping the capital and Baltimore well covered, and that "if the enemy is checked in his attempt to cross the Susquehanna, or if he turns toward Baltimore, to give him battle."[4]

So Meade, a new commander with orders to protect Washington, spent most of June 28th in planning how he could assemble his army to accomplish this objective, and endeavoring to find out where Lee's army might be. At three o'clock in the afternon he heard from Halleck that Confederate cavalry had raided one of his wagon trains near Washington, and received a warning that he must guard his communications with the capital.[5] Meade apparently never planned to follow Hooker's strategy of cutting Lee's supply line in the valley, and was at first seriously concerned about exaggerated reports of cavalry raids between him and Washington which could cut off his rail connections on the Baltimore and Ohio R.R. to Frederick, but on the same afternoon he reported to Halleck that he believed the main body of Lee's army had passed Hagerstown, and that he would have to put up with possible cav-

[3] *O.R.*, XXVII, Pt. 1, p. 61. [4] *Ibid.* [5] *Ibid.*, p. 63

alry raids in his rear, while watching the army now on his front.[6] Meade had guessed correctly at Lee's general plan of a great sweeping curve from the valley toward the Susquehanna, with the alternative possibility of a sudden drive toward Baltimore and the south. Meade was concerned about the cavalry raids, but was not going to be distracted by them.

By evening of his first day in command, Meade had begun the arrangement of troops which was to become the Pipe Creek Line two days later. The most important feature of this movement was to connect with the Western Maryland railroad from Baltimore to Westminster, in case the Baltimore to Frederick line was cut. At 8:15 p.m. he reported to Halleck, "My intention is to move tomorrow on three lines to Emmitsburg and Westminster."[7] This would cover the open ground east of the mountains, and prevent Lee from slipping south on Meade's right.

Meade's army was concentrated at or near Frederick when he assumed command on the 28th. The 2nd, 3rd and 5th Corps were in Frederick, with the 6th Corps slightly to the south. The 1st and 11th Corps were west of Frederick at Middletown, near South Mountain. Most of the troops had just finished a long, fatiguing march, all of them were weary, and a good many took advantage of the lull to relax and get drunk.[8] Meade studied the terrain between the Pennsylvania line and Baltimore, and tried to analyze conflicting reports on the whereabouts of the rebels.

On this same evening, while Meade was drawing up orders for movements away from Frederick, Lee at Chambersburg learned from a scout that the Union army was at Frederick in a fairly heavy concentration. On the very same evening, the bridge across the Susquehanna at Wrightsville was burned, preventing control of that river. Lee's army was scattered from McConnellsburg to Harrisburg. Obviously, Lee would have to concentrate his army, and he ordered all units to gather, rather vaguely specifying either Cashtown or Gettysburg.[9] If Hooker had still been threatening to strike at Lee's rear supply line, this would have been Lee's proper action, because his concen-

[6] *Ibid.*, p. 64 [7] *Ibid.*, pp. 64-65 [8] Ibid., Pt. III, p. 398
[9] *Ibid.*, p. 943. Lee to Ewell, June 28.

tration near Gettysburg would have drawn Union armies toward the east away from the mountains. But while Lee was concentrating on the evening of June 28th, Meade was spreading out his concentration by the extension of his forces to protect Baltimore and Washington. Early on the morning of June 29th, Meade began the new arrangement of his forces, and moved his headquarters from Frederick to Taneytown.

Everybody was moving rapidly on June 29th. Reynolds, with the 1st and 11th Corps, moved north to Emmitsburg, holding the left. The 2nd Corps was ordered to Frizzelburg, near Westminster; the 6th moved to nearby New Windsor; the 5th, which had been Meade's Corps, was now in charge of Sykes, and moved to Liberty, on the way to Union Mills: the 3rd and 12th moved to Taneytown. These movements provided a rough line from Emmitsburg through Taneytown toward Union Mills and Westminster. Meade reported to Halleck, "If Lee is moving toward Baltimore, I expect to get between him. If he is crossing the Susquehanna, I shall rely on Couch to hold him until I can fall upon his rear and give him battle. The rail line from Frederick to Baltimore will have to be abandoned. I shall incline to the right, toward the Baltimore and Harrisburg road, to cover that and draw my supplies from there." Stating that his main objective was Lee's army, he continued, "My endeavor will be to hold my force together with the hope of falling upon some portion of Lee's army in detail. I shall have to submit to cavalry raids around me in some measure." [10]

Following this plan, and knowing that the Susquehanna bridge had been destroyed, Meade issued his marching orders for June 30th which practically established his defense line, although the official order naming the Pipe Creek plan was not issued until July 1st, after the troops had moved into position. So the army was on the move again on the 30th, hot and weary, completing some of the hardest marching of the campaign. Sedgwick, with the 6th Corps, moved further east to Manchester, high point on the right of the Pipe Creek line. The 12th Corps moved forward to Littlestown, Pa., the 3rd was at Taneytown and the 5th was moving toward Union

[10] *Ibid.*, Pt. I, p. 67

Mills. With these four units in line, the 1st, under Reynolds, was sent forward to probe near Gettysburg, and the 2nd remained behind the line near Westminster, to protect the rear and stand by as reserve.

Thus, Meade's first two days had been spent in comparative peace, without serious contact with the enemy, with ample opportunity to study the Maryland terrain east of the mountains, to examine maps, to move troops, estimate the situation and to make careful plans to follow Halleck's instructions. He knew there was little danger of a slip through the mountain passes behind him, and knew Lee could not easily cross the Susquehanna now. He had brought Hooker's army together and placed them from mountain to mountain as a barrier across the only route to Washington. If Lee ever expected to get back to Dixie, he would have to fight on Meade's terms. Few Civil War generals had the chance to plan so carefully.

The chief excitement on June 30th was caused by J. E. B. Stuart, dramatic creator of excitement wherever he went. On this day he swept right through the center of the Pipe Creek Line from the rear, and came within a few minutes of being able to bring information to Lee that might have been vital for the coming battle. Three days before, Stuart had crossed the Potomac, with somewhat indefinite orders from Lee to move on the right of the Union army, and eventually toward the Susquehanna, but to guard the passes into the valley. Leaving Robertson to protect the passes, Stuart captured a handsome but slow moving prize of 125 brand new supply wagons near Washington and arrived in Westminster on the afternoon of June 29th with three brigades of cavalry, about 5000 men. He had a brief skirmish here with a small troop of Union cavalry, but found plenty of forage for his horses, and decided to take a brief rest from hard riding. The long column stretched out about six miles, with the head under Fitzhugh Lee at Union Mills, where they arrived shortly after midnight.[11]

Union Mills, in the center of Meade's defense line, was a little manorial community named for a brick mill built in 1797 by two Shriver brothers, and their homestead was located where the Westminster road divided into two forks. In 1863,

[11] *Ibid.*, Pt. II, p. 695

the Shriver family living in the original homestead were Union sympathizers, with a son in the 26th Pennsylvania Emergency Regiment; but some of the family had built another house across the road, and were southern sympathizers, with four boys in the Confederate army. Strangely enough, the Union sympathizers owned slaves, and the southern sympathizers did not. These two Shriver homes, occupied by two brothers, were to serve on the same day as respective headquarters for Stuart's cavalry and for Sykes' 5th Corps, within a few hours of each other.

" Jeb " Stuart's troops arrived first. At the old Union Mills homestead, the family was awakened about midnight by soldiers and horses swarming around the grounds. Hungry troopers crowded around the great stone fireplace in the old kitchen, where slaves tossed flapjack batter on the griddle, to be snatched off before there was time to turn over the cakes. They searched for horses, and half seriously threatened the owners that they would take them along with the troops unless they told where the horses were hidden, but they did little damage and paid for their supplies with Confederate money. It was a hot summer night and Fitzhugh Lee stretched out under an apple tree to sleep until dawn.[12]

Across the road, at the other Shriver home, there was less fear and more delighted excitement, as Stuart and his staff dropped in for breakfast at daylight. One of the ladies played the piano after breakfast, and " Jeb " sang his favorite song, " If you want to be a Bully Boy, Jine the Cavalry," and a number of other songs, accompanied by Fitzhugh Lee, Major McClellan and the rest of his staff. Then, about 8:00 a.m., the long line began to move.[13]

On the previous night, as Stuart was arriving, his scouts had informed him that Union troops were directly ahead of him at Littlestown. Characteristically, he decided to move around them by taking the fork of the road toward Hanover. If haste had been of primary importance to him at this time, he might have abandoned the slow wagon train at Union Mills, but he was within a few hours of making contact with Lee's army,

[12] MS Frederick Austin Shriver, Union Mills. July 4, 1863
[13] MS S. C. Shriver, Union Mills, June 29, 30, 1863

and the prize was too precious to abandon. With Chambliss at the head, and Fitzhugh Lee moving cross-country on the left, between the Littlestown Road and the Hanover road, Wade Hampton brought up the rear and the long cavalcade moved toward Hanover, about 12 miles north, where the head of the column arrived about 10:00 a.m.

In the meantime, Kilpatrick's cavalry had moved from Littlestown to Hanover and had just about passed through the town on their way to Abbottstown, when Stuart's advance crashed into the rear of the Union column, and a sudden and bitter battle, totally unexpected by both sides, took place in the streets of peaceful Hanover. Had Kilpatrick moved earlier, or Stuart a few minutes later, the battle of Hanover on June 30th might not have taken place, and Stuart would have met Lee on that day. But, diverted at Hanover, Stuart moved east toward York, hoping to find Early. By another narrow margin of minutes, he missed Early, who passed in front of him on the York road, close enough to hear the cannon at Hanover. Stuart moved to Dover, left the wagon train there, but did not reach Lee until July 2nd, and whatever information he might have brought about the location and strength of the Union army was never received in time to be of any value.

On the early afternoon of the same day, June 30th, about four hours after Stuart had left, Sykes arrived at Union Mills with the 5th Corps, and camped there in accordance with his instructions. The tables were now turned, and the old Shriver homestead became a Union headquarters, with Brig. General James Barnes and his staff occupying the house, and a gay evening musicale this time, with Union songs played on the old square Steinway, and Union troops camped in the Pipe Creek meadows, just abandoned by Stuart's men.[14] At 6:30 p.m. Sykes reported from Union Mills to headquarters, "No enemy about. Stuart, Fitz. Lee and Hampton staid last night at the house of a Mr. Shriver who owns the mill. They left this morning between 8 and 10 a.m., some toward Hanover and some toward Littlestown, but I take it all have gone to Hanover . . . My troops are very footsore and tired."[15]

[14] MS Frederick Austin Shriver, *op. cit.* [15] *O.R.*, XXVII, Pt. III, p. 424

The 5th Corps had little time to rest at Union Mills, however, and received orders to move up to Hanover, departing the next morning, July 1st, by the road Stuart had just taken.

By another narrow margin of miles and minutes, the Pipe Creek Line had to be abandoned almost as soon as it had been formed. By the evening of June 30th, every unit was in position and early on the morning of July 1st, Meade issued detailed orders for the expected Pipe Creek battle.[16] But the situation changed so rapidly on that morning that new orders had to be issued almost before the Pipe Creek order could be read or understood, and one corps commander, Reynolds, probably never received the order at all.

The Pipe Creek order was a clear and detailed explanation of the strategy which Meade had been working out for the past two days. " The commanding general is satisfied that the object of the movement of the army in this direction has been accomplished, viz., the relief of Harrisburg, and the prevention of the enemy's intended invasion of Philadelphia, &., beyond the Susquehanna. It is no longer his intention to assume the offensive until the enemy's movements or position should render such an operation certain of success."

Meade seemed certain that Lee would now have to take the offensive. The order continued, " If the enemy assume the offensive and attack it is his (Meade's) intention, after holding them in check . . . to withdraw the army from its present position and form line of battle with the left resting in the neighborhood of Middleburg (southeast of Emmitsburg) and the right at Manchester, the general direction being that of Pipe Creek." It was this statement about his intention to " withdraw " the army which caused most of the charges made against Meade during and after the battle, since most of the commanders had little chance to read or comprehend the order until the battle of Gettysburg was well under way.

" General Reynolds, in command of the left, will withdraw the force at Gettysburg," continued the order, but it seems probable that Reynolds never saw this directive, since he was killed shortly after the fighting began. " General Slocum will withdraw . . . two corps via Union Mills . . . after crossing

[16] *Ibid.*, pp. 458, 459

Pipe Creek, connecting on the left with General Reynolds and communicating his right to General Sedgwick at Manchester . . . The Second Corps will be held in reserve in the vicinity of Uniontown . . . The trains and impedimenta will all be sent to the rear of Westminster . . . This order is communicated that a general plan perfectly understood by all, may be had for receiving attack, if made in strong force, upon any portion of our present position."

"General Headquarters will be at Frizzelburg; General Slocum as near Union Mills as the line will render best for him; General Reynolds at or near the road from Taneytown to Frizzelburg. The chief signal officer will extend telegraphic communication from each of the following points to general headquarters near Frizzelburg, viz., Manchester, Union Mills, Middleburg and the Taneytown Road."

The Pipe Creek Order contained other detailed instructions about securing information from loyal Union people, and the importance of concealing the disposition of troops from the enemy.

As the order was issued, Meade reported his troop movements to Halleck, and wrote, "These movements were ordered yesterday before the receipt of advice as to Lee's movements." [17] Then, a few hours later, about the time Reynolds was being attacked at Gettysburg, Meade reported, "Ewell is massing at Heidlersburg, A. P. Hill is massed behind the mountains at Cashtown; Longstreet near Chambersburg. The news proves my advance has served its purpose. I shall not advance any, but prepare to receive an attack in case he makes one. A battlefield is being selected to the rear on which the army can be rapidly concentrated, on Pipe Creek, betweeen Middleburg and Manchester, covering my depot at Westminster. If I am not attacked, and I can from reasonable intelligence have reason to believe I can attack with any reasonable degree of success, I will do so. But at present, having relieved the pressure on the Susquehanna, I am now looking to the protection of Washington and fighting my army to the best advantage." This report was accompanied by a hasty post-

[17] *Ibid.*, Pt. I, p. 70.

script at 1:00 p.m. " The enemy are advancing in force on Gettysburg and I expect the battle will begin today." [18]

These messages indicate quite clearly that Meade was confident that his plan was working exactly as he had expected. Lee had been forced to concentrate his army, Meade had probed with advance units and the attack was coming. Now the troops would fall back to Pipe Creek. This should have been taking place during the afternoon of July 1st, and it is obvious why Meade did not go to Gettysburg that afternoon.

Reynolds called up Howard with the 11th, and Howard was joined by Sickles with the 3rd and Slocum with the 12th, all of whom had been relatively close to Gettysburg. Meade called his trusted and capable friend Hancock from Uniontown to Taneytown, where they awaited news from the fighting, and where Meade carefully went over the Pipe Creek plan with Hancock.[19] Not knowing how serious the situation might be at Gettysburg, Meade finally sent Hancock there, giving him authority to decide whether to remain or to retire to the Pipe Creek position. It would be fairly easy for the 1st, 11th and 3rd Corps to fall back to their left wing position, and Meade's duty was to remain at the Taneytown headquarters until it could be determined where the battle would be fought.

Hancock arrived at Gettysburg about 4:00 p.m., immediately establishing some semblance of order out of the chaos, and made his decision that Gettysburg would have to be the battlefield. With this news from Hancock, Meade began to re-arrange his entire plan, ordered up the 5th Corps, which had moved from Union Mills to Hanover, and the 6th Corps from Manchester. He arrived on the Gettysburg battlefield himself about 1:00 a.m. By the morning of July 2nd all the troops had arrived, hot and weary, except Sedgwick's 6th Corps, which had taken the wrong road at Westminster during the night, started toward Taneytown, and then had to move through Union Mills, delayed in their march by the long train of wagons which had been ordered back to Westminster.

Meade's decision to follow Hancock's recommendation and to abandon (temporarily, at least) his careful preparation for

[18] *Ibid.*

[19] *Ibid.*, p. 367

the Pipe Creek Line was wise, from both a practical and a psychological standpoint. From a practical standpoint, to have attempted withdrawal late in the afternoon and through the night of July 1st, in the midst of troops already moving up, would have caused more confusion than already existed. At noon on July 1st, it might have been done, but by evening, it was almost impossible. Moving up for a concentration was much more practical. From a psychological standpoint, to have retired after the first temporary defeat by the Confederates would have looked very much like Hooker's retirement at Chancellorsville, and would have magnified the effect of the first day's battle into a tremendous moral victory for the South, and another disastrous blow to Northern spirits. It was better to move up to Gettysburg for July 2nd, at least. But it seems doubtful that Meade abandoned all expectations of eventually withdrawing to Pipe Creek, for certainly it would have seemed better to fight on the ground that had been so carefully selected in advance.

However, the abandonment of the Pipe Creek Line was a great risk for Meade, since if the Confederate attack on the morning of July 2nd had taken place at an early hour, as Lee had hoped it would be, Meade's troops, weary from night marching and not yet formed into line, would have been hard pressed to hold their position.

His confidence may have been slightly disturbed by Halleck's message, sent on the evening of July 1st, before Halleck was aware of the day's fighting. Meade was told that he should not leave his left unguarded, and that Frederick might make a better base than Westminster.[20] But, as late as 3:00 p.m. on July 2nd, shortly before the Confederate attack, Meade reported that, while it was quite possible that he would attack, if there was any attempt of the enemy to move around to the rear, he might withdraw to the Pipe Creek Line.[21]

The long and complicated controversy between Meade and Sickles which developed as a result of the events of July 2nd cannot be discussed here, but the argument grew out of vague charges that Meade wanted to retreat from Gettysburg. Certainly Meade must always have had the alternative of with-

[20] *Ibid.*, p. 71 [21] *Ibid.*, p. 72

drawal to Pipe Creek in his mind constantly through the rapidly changing situation on July 2nd. If Culp's Hill had been taken by Ewell, Meade's withdrawal to a better position would have been a wise and practical decision. If Little Round Top had been taken, the withdrawal of Union forces would have been very difficult.

The last possible chance for the Pipe Creek Line to have been considered was at Meade's conference on the evening of July 2nd when he called his commanders together and put three questions to them:

> Is it advisable for this army to remain or to retire to another position nearer its base of supplies?
> If we remain, shall we attack or await attack?
> If we await attack, how long?

The staff voted unanimously in favor of remaining at Gettysburg and awaiting attack, and Meade accepted their decision without any objection.[22] It is significant, however, that minutes of the meeting apparently considered the term "retire to another position" as synonymous with "retreat." Sickles, who bitterly resented criticism of his movement to the Peach Orchard, later attacked Meade in the press and in public, charging that he had ordered a retreat, but that his commanders refused to follow orders.[23] There was never any satisfactory evidence for these charges, but the controversy continued for a full year, and Lincoln had to say comforting things to both Meade and Sickles, and tried to have the dispute forgotten.[24] There was much more discussion of the Pipe Creek plan long after the battle than there had been when the plan was being drawn up, because only a few had time to consider it until the battle was over.

Henry Hunt, Meade's Chief of Artillery, believed it would have been better if Meade had concentrated his army behind Pipe Creek instead of remaining at Gettysburg. Hunt had made an inspection of the Pipe Creek line for Meade on the morning of July 1st, at the very time Meade was changing his

[22] *Ibid.*, pp. 73, 74
[23] *New York Herald*, March 12, 1864
[24] *O.R.*, XXVII, Pt. I, p. 139. March 29, 1864

plans. Hunt wrote, "From Westminster, good roads led in all directions and gave the place the same strategic value for Meade that Gettysburg had for Lee. The new line could not be turned by Lee without danger to his own army, and he could not advance on Baltimore and Washington and leave the Union army intact behind him. Meade could safely establish an offensive-defensive line along Pipe Creek with liberty of action in all directions. There were only two courses for Lee — to attack Meade or retreat. In case of defeat, Meade's line would be comparatively short, while Lee would have two marches through open country to reach the mountains. All the elements of the problem were in favor of Pipe Creek," according to Hunt.[25]

Such was the story of the plan which Meade had worked out carefully with maps, surveys, signal stations, supply depots, railroad and turnpike connections, artillery positions and refreshed troops, for a period of three days. If he was reluctant to abandon the plan at once, it is easy to understand the doubts he must have had about throwing the entire army onto a field he had never seen, when his own plan seemed nearly foolproof, and yet there is no evidence that Meade ever tried to resist the circumstances which created the confused accident at Gettysburg. It is quite possible that if he had been able to move to the Pipe Creek Line as late as July 2nd, and if he had won the battle, as he probably would have, he would have emerged as one of the greatest strategists of the war, instead of having the reputation of a lucky commander who felt so satisfied with his Gettysburg victory that he neglected to follow it up by the capture of Lee's army.

If it is possible, after a century, to view the respective strategy of the two commanders at Gettysburg with complete objectivity, Meade certainly appears to be the better general in this particular campaign. The first essential of military command is the ability to make a correct estimate of the situation, and Meade's estimate of the situation on June 28th was entirely accurate. If Lee got to the Susquehanna, he could strike at the rear: if Lee attempted to strike toward Baltimore, Meade had an ideal barrier in front of him. Convinced that

[25] *Battles and Leaders of the Civil War*, III, pp. 290-291.

this estimate was correct, he prepared thoroughly for it. As to Lee, there has still been no clearcut revelation of what his plans may have been, or his estimate of the situation, except the rather vague intention of either moving into Pennsylvania or striking at Washington, with what seems to be almost impulsive opportunism. In the second place, Meade showed more flexibility and alertness in analyzing changes in the situation and preparing for them. He undoubtedly had based all of his strategy on the Pipe Creek line, but he did call his commanders together, heard their recommendations, and re-arranged his whole plan in a moment, without argument. Lee, on the other hand, was in constant conflict with Longstreet, who disagreed with many of Lee's plans, and he was indefinite with Ewell on the evening of the first day, when he gave him mild instructions to the effect that "he wished him to take Cemetery Hill if possible," some time after Ewell had made up his mind that it was not possible. A staff conference among Lee's commanders, and a unanimous decision might have produced more effective results on the second day. But Lee's statement to Longstreet, "No, the enemy is here and I will strike him here," is a very different type of decision from the kind Lee made at Chancellorsville or Antietam, where over-all strategy was quickly and daringly planned, with complete cooperation from all subordinates.

Lee was not in good condition physically at Gettysburg, and much has been said about the absence of Stonewall Jackson and the tardiness of J. E. B. Stuart. Were these great soldiers really the inspiration for Lee's leadership? Certainly Lee was accustomed to depend on Stuart for information about the position of the enemy and some of his indecision at Gettysburg may have been in anticipation of word from Stuart, after which a master plan might have been drawn up rapidly. But this kind of reasoning leads at once to the traditional speculation as to whether Stuart should have abandoned the slow wagon train with its valuable supplies, even though it delayed him. Should he have halted at Westminster and Union Mills for much-needed forage? He can hardly be criticized for this, since the next day's movement should have brought him to Lee before noon. It could even be asked whether he should

have taken an extra hour for a breakfast musicale at Union Mills, when he knew he would have to ride around Kilpatrick, but this was typical of the magnificent confidence which Stuart possessed, and which was so infectious among his associates.

Meade deserves more credit than he has received from history, but he was not a dramatic or inspiring individual personality, and he possessed little of the glamor or color so effective in influencing public opinion. But, Meade did not recklessly charge the enemy, as Burnside did at Fredericksburg; he did not withdraw cautiously at the first sign of opposition, as Hooker did at Chancellorsville; he did not delay for weeks, demanding more men, as McClellan did on the Peninsula; and he did face more problems in his first forty-eight hours as commander than any Civil War general, and planned immediately to meet them successfully through his careful preparation of the Pipe Creek plan.

JOHN ADAMS' CORRESPONDENCE WITH HEZEKIAH NILES: SOME NOTES AND A QUERY

By L. H. Butterfield

ON December 23, 1816, Hezekiah Niles (1777-1839), publisher of the well-known news magazine *Niles Weekly Register,* wrote from Baltimore to ex-President John Adams in Quincy, Massachusetts, announcing his intention to compile and publish a collection of papers relating to the American Revolution and appealing to Adams (as he did to other survivors of that era) for original materials. Adams replied on January 3, 1817, humorously and non-committally, but this exchange began a lengthy and increasingly friendly correspondence that continued for some years.[1]

Adams had not seen Niles' Journal before this time, but he read the issue the editor had sent him and on February 27, 1817, wrote Niles that he had been "so much gratified" with this specimen that he must have all the volumes that were in print. Niles skillfully lured Adams on with appeals to his patriotism and his proclivity for reminiscence. Adams first sent on some of his early writings in pamphlet form, for example his *Novanglus* papers (1775) and his *Thoughts on Government* (1776), which Niles reprinted in the *Register.* In a letter dated June, 1817, Adams sent Niles the originals of his exchange with President Washington late in August, 1790, relative to the crisis with England, and he offered others on the Miranda filibustering expedition. The death of Thomas McKean just at this time prompted him to transmit eight valuable letters that that old friend and veteran statesman had written to Adams between 1812 and 1817. Others followed. What is more, under the editor's gentle prodding, Adams from

[1] Letters cited here that are not assigned other locations are in the Adams Papers, Massachusetts Historical Society.

time to time brought himself to set down for Niles' use recollections of the early leaders and events of the Revolution in Massachusetts. Several of these, despite the notroious limitations of Adams' memory in old age, are of the highest value, for example his letter to Niles of February 13, 1818, asking, "what do We mean by the American Revolution? Do We mean the American War?" and answering, "The Revolution was effected before the War commenced. The Revolution was in the Minds and Hearts of the People."

Niles accepted these effusions gratefully, for the most part printed them promptly in the *Register,* and with equal promptness returned the letters, papers, and pamphlets that Adams had loaned to him. In sending such originals, Adams always made the point that he had no clerks to prepare copies, that he valued the papers highly, and that he urgently desired to have them back as soon as used.

But at length Adams, to our lasting loss, grew too trusting, and Niles grew careless. On January 9, 1819, Adams wrote: "You asked me for papers . . . If such as the bundle enclosed will please you I can fill your register for years." The letterbook copy of this brief covering note does not specify just what Adams sent, but it is clear that he had plundered his files of letters received during the opening years of the Revolution. Niles responded on January 16 with delight over the receipt "of many letters and papers," and announced that he was starting forthwith to put to press his "long contemplated collection" of documents relating to the American Revolution. It would be edited and printed, he said, as he and his printers had time for these tasks. He asked for more papers, and on February 5 Adams sent him more, this time specifying that they were, first, the original manuscript of Joseph Hawley's "Broken Hints" to be communicated to the committee of Congress for the Massachusetts" and, second, an original letter written to Adams by Jonathan Sewall, March 11, 1767, "in answer to a letter I had written to him in which I had enclosed a copy of the notes I had taken of Mr. Otis's argument against writs of assistants." He asked for their return "as soon as possible, for I would not exchange either of these originals

for the show book at Harvard College and printed they shall be if it is at my own expense in [a] handbill."

Niles' *Principles and Acts of the Revolution in America,* with an infinitely longer subtitle and a dedication "To the Young Men of the United States," at length appeared in 1822. It was the first work of its kind and, though exceedingly disorderly and scrappy, an influential and valuable one. Curiously, it reprinted almost none of John Adams' important communications to the *Register,* but it did draw heavily, if erratically, on the materials Adams had forwarded to Niles early in 1819 and that had *not* been printed hitherto. These included Hawley's "Broken Hints" of 1774 (*Principles and Act,* 1822 pp. 324-325, the source of all later printings of this paper), but not Sewall's letter of 1767, and extracts of varying length from five of the letters that must have been in the "bundle" accompanying Adams' letter of January 9, 1819. The extracts were from the following letters, all addressed to Adams from Boston in 1774: Joseph Palmer, September 14; Benjamin Kent, September 23; John Trumbull, August 20; Richard Cranch, October 15; and Samuel Cooper, October 16 (*Principles and Acts,* 1822, pp. 322-324).

So far as the editors of *The Adams Paper* know, the manuscripts of these seven letters and papers have never been seen since. Adams inquired about them in a letter to Niles of March 12, 1820, and three years later (February 28, 1823), having apparently forgotten about all the other manuscripts, he urgently appealed to Niles for the return of the Hawley memorandum, now that it was printed, because, he said, "I have a kind of veneration for it somewhat similar to that of the Roman Catholics for their relics." But this is the last letter on record in the correspondence between John Adams and Hezekiah Niles.[2]

[2] Adams' feelings about Hawley's "Broken Hints" of 1774 were well warranted. Joseph Hawley (1723-1788) of Northampton, had been Adams' mentor in the Massachusetts legislature and was one of the most intrepid leaders of the anti-ministerial party in the province. In 1774 Adams sincerely believed that Hawley, rather than himself, should have been sent as a delegate to the first Continental Congress, and allusions in contemporary correspondence indicate that the choice would have fallen on Hawley if he had already had the smallpox. But he had not, and John Adams had. One of the first things Adams did after learning of his own election was to write for Hawley's advice. (This letter written in Ipswich, June 27, 1774, was unknown until 1962, when it was

There is no telling what else was lost along with these seven papers from John Adams' early files. In introducing the extracts printed in *Principles and Acts,* Niles said in an editorial note that he had been "favored by president Adams with a large bundle of letters, written to him by distinguished persons, in the years 1774, 1775, and 1776, and some other papers. Such have been selected as were thought necessary to shew the feelings of those days, and exhibit the character of some of the actors in them" (p. 322). This statement helps to account for known gaps in Adams' correspondence at the beginning of the Revolution, but it is exasperatingly vague.

There is also the question where John Adams' own numerous letters to Niles, as well as those of other Adamses (including at least one from Abigail Adams and a number from John Quincy Adams), have vanished to. As the editor of one of the most influential and widely circulated journals of the day, Niles conducted for many years a very active correspondence with a vast number of people, famous and obscure, but no substantial body of his papers is known to exist. Scattered letters to and from Niles may be found in many repositories, and those in the Library of Congress have been briefly described in Norval N. Luxon, *Niles' Weekly Register* (Baton Rouge, 1947), p. 308 (with allusions to a few manuscripts still apparently

acquired by the New York Public Library, which has the principal collection of Hawley's papers. The text is sadly mutilated.) Hawley replied from Northampton on July 25th, saying Adams' appeal had just reached him, reproving Adams for distrusting his "Abilities for the service assigned you," offering valuable suggestions for the conduct of the delegates, and earnestly requesting a chance to confer with them on their way from Boston to Philadelphia. If they could tell him about when they would pass through Springfield, he said, he would meet them there even if he had to wait for them several days. There is a possibility that they did in fact consult with Hawley on the 12th and 13th of August. Adams' dairy has no entries for this part of the trip, but his brother delegate Robert Treat Paine's laconic journal (in the Massachusetts Historical Society) notes that on the two preceding days the party had set off at 5 each morning but at Springfield they lingered until 10, which would have allowed time for evening and morning talks with Hawley. If these took place, Hawley's "Broken Hints" were a sequel. If they did not, Hawley's paper was a substitute for them. It began with the proposition, "We must *fight,* if we can't otherwise rid ourselves of British taxation, all revenues, and the constitution or form of government enacted for us by the British parliament." This is surely the earliest statement of a position which it took most Americans a year or two longer and actual hostilities on a large scale to bring themselves to. Hence John Adams' "veneration" for Hawley's statement; hence Patrick Henry's applause for it as reported by Adams; and hence our obligation to find the original if by good luck it still eixsts and is merely out of sight.

held by descendants). But the Hamer *Guide* of 1961 lists no Niles collection,[3] and the pattern discernible in the Adams Papers control file is ominous. Of John Adams' letters to Niles that have been traced in the form of recipients' copies (or what are called in the autograph trade ALS's and LS's,) five are now in the Maryland Historical Society (four in a "Miscellaneous" file, one in the Mercantile Library Autograph Book); and two others were sold at auction many years ago and have not been located since (Adams to Niles, June, 1817, sold at the American Art Association in 1923; Adams to Niles, May 10, 1819, sold at the Anderson Galleries in 1916). Obviously Editor Niles' valuable autographs were dispersed at some time (or times), and since he had no fewer than twenty children by his two marriages it will not be easy either to reconstruct what happened to his papers or to find the fugitives from John Adams' personal archives.

The advice and help of curators and collectors on this interesting problem is, however, earnestly solicited. Information and pertinent suggestions will be welcomed if sent to the present writer at the Massachusetts Historical, 1154 Boylston Street, Boston 15, Massachusetts.

[3] Philip M. Hamer, ed., *A Guide to Archives and Manuscripts in the United States of America, Compiled for the National Historical Publications Commission,* New Haven, 1961. Mr. Lester K. Born, of the National Union Catalog of Manuscript Collections, in progress at the Library of Congress, informed me in May 1962 that Hezekiah Niles is not represented by either main or added entries in the 10,000 or more collections that that project so far catalogued.

SIDELIGHTS

THREE CIVIL WAR LETTERS OF JAMES H. RIGBY, A MARYLAND FEDERAL ARTILLERY OFFICER

With the approaching centennials of the Battles of Antietam and Fredericksburg, publication of these three letters written by James H. Rigby to his parents is timely. Although contributed by Mr. William T. Mahoney of Cecil County, Maryland, and Wilmington, Delaware, to whose attention they were brought, the original letters are in the possession of Mrs. Gordon R. Conning of Wilmington, Delaware, a great granddaughter of the writer. Mrs. Conning, and her brother, the Rev. Donald Norton MacKenzie, of Brookside, N. J., a former Navy chaplain, are both native Baltimoreans. It is with their consent that the letters have been published.

James H. Rigby was born June 4, 1832, in Baltimore. In August 1861 he was mustered into Federal service, having previously belonged to the Eagle Artillery, a militia unit in Baltimore. He served as first lieutenant in Battery A, 1st Maryland Light Artillery, until the resignation of John W. Wolcott, its captain and organizer, in December, 1862. Rigby was then promoted captain and commanded the battery until its consolidation with Battery B, Maryland Light Artillery, March 11, 1865. Rigby was present with his command in all the engagements in which it participated, including the battles of Malvern Hill, South Mountain, and Antietam, Fredericksburg, and Gettysburg.[1]

According to an undated newspaper clipping in Mrs. Conning's possession, Captain Rigby died on October 5, 1889, and was buried in Loudon Park Cemetery, Baltimore. The letters have been reproduced exactly as written except where brackets indicate illegible words or the editor's comment. C.A.P.H.

Camp Blair, Berlin Worcester County
Maryland, November 6, 1861

Dear Father & Mother,

I left our camp at Salisbury, on the night of the 4th, inst. at eleven

[1] For a more detailed account of Battery A's service, see "History and Roster of Maryland Volunteers, War of 1861-5," Baltimore, 1898, Volume I, p. 795.

o'clock, for this place, a distance of 38 miles, and arrived here through one of the worst roads, that man ever travelled.

In the whole 38 miles, there was not more than 12 miles good road, and the sand was so deep that it could not be called good. We brought fifty men and one field-piece, thirty five acting as Infantry to support the piece, the rest as Cannoneers.

The people of the place were very glad to see us, and showed their gratification in a very acceptable manner to us, I assure you. We were greeted with cheers by the men and waving of handkerchiefs by the Ladies. They gave us a very bountiful colation of Hot coffee and Hot biscuits, which was very refreshing to men who had fasted for 18 hours. There is a number of Traitors here as well as at home, and we expect to be the means by which a few of the most prominent ones may be able to live as they have never lived before, by giving them good quarters at Hotel-de-Morris (i.e.) Fort McHenry. Col. Morris, who commands at the Fort was once asked what he was doing there? He remarked that he was keeping a Boarding House for Uncle Sam. The village of Berlin is a beautiful one; it contains about 800 inhabitants. They are treating us in the kindest manner possible. They have furnished us with straw for our tents, and are furnishing us with rations, free gratis. We are about ½ a mile from Berlin. We have just received an order to hold ourselves in readiness, to march to town at a moments notice, consequently, I will have to close this letter. My love to all the family, and the children; my respects to all enquiring friends.

Your affectionate Son

Jas. H. Rigby

Direct your letters to
Salisbury, as before

Potomac River near Shepardstown
Sept. 19th, 1862

"Dear Father—

This is the first opportunity I have had to write, since you heard from me last at Alexandria Va. When this reaches you, we will have passed through Washington, this [——] P.M. Marched all night, and had reached Tenallytown on Sunday at noon. [——] and [——], for I assure you that both man and beast had nearly played out, for we had not stopped for either food or water. The next morning we started and marched every day, resting at night until last Sunday 14th, when we arrived in the beautiful town of Jefferson, in Washington Co. Md, about 6 o'clock a.m.

We halted in this lovely village, made doubly so by the smiling faces of the ladies, and the hearty cheers of whole souled unconditional Union men; about two hours and during that time witnessed a fight at one of the Mountain Gaps, between Sumner and the Rebels. We (that is, Franklin's Corps) were ordered by "Little Mac" to cross the Mountain,

at Jefferson and cut our way through Crampton's Gap. This appears to be rather a tough job for Sunday, but as we are with a fighting crowd, i.e. Franklin, Slocum, Bartlett, and Newton, we immediately started for the Mountain Pass, known as Crampton's Gap. We arrived within about four miles of it about 2 O'clock; skirmishers were thrown out, our battery of eight pieces followed, supported by Bartlett's and Newton's brigades. The skirmishers soon found the enemy, firmly posted in the Gap. Now this Gap is about 600 feet above the valley, in which our line of battle was formed, and the mountains each side covered with large trees, in which the Rebels have about 10 pieces of Artillery planted, so you may judge that it looked like anything else but an easy job to dislodge them. As soon as we found out that they were in woods, we commenced shelling them, which exposed to us their position. This was about 3½ o'clock P.M. The skirmishers advanced in beautiful style. O! I wish you could have seen them, as they moved slowly but steadily across the valley to the foot of the mountain, the Rebel guns playing on them all the time, and we playing up-on the Rebels.

(I forgot to tell you that a little village called Burquitsville lay between us and the foot of the mountain.) About 4½ o'clock, the skirmishers were drawn in and the order was given to charge upon the batteries. The charge was led by Col. Bartlett in gallant style, under cover of our fire: in 10 mins after the order was given, the Infantrymen were hard at it. We immediately ceased firing, and limbered to the front, and started for the mountain, to take a position on the right of our Infantry. To do this we had to take the road through the village, which was being shelled by 3, 12 pders posted on the Mountain.

From where we started, to the village, was about one mile, and the position we were to take, about one mile from the village; as soon as we appeared on the road, the Rebels turned their guns upon us, and such a shower of shot and shell as fell around us, is not easily imagined; but we went through at a full gallop, and as we passed through the village, the women waved their scarves, and bid us God speed, though all of them were in tears, for while they stood in front of their houses, the Rebel shells were tearing down their back fences and kitchens. We went through without a scratch, and took our position.

At dusk the Gap was in our possession, with two Rebel guns and 500 prisoners. Thus ended the battle of Crampton's Gap.

We crossed the mountain early the next morning, and found the Rebel loss to have been very heavy, while ours was comparatively small. We marched on until about noon, when we went into camp to await orders. On Monday, Sumner forced his way through the Gap at Middletown Heights and drove the Rebs across the valley, about five miles in front of us (and in sight) into, and beyond Sharpsburg, being about 6 miles on our left. On Tuesday the Rebs made a stand, and Sumner pitched into them rough-shod; they made a gallant resistance. On Wednesday morning at daybreak, we (i.e.) Slocum's Division was ordered to march to Sharpsburg, to reinforce McClellan who was on the road. We arrived at

Sharpsburg. 11 A.M. same day. About one o'clock we were ordered into position in a field, from which the Rebs had been driven in the morning; it was covered with dead and the dying, so much so, that we could not get into position without striking them with our wheels. The crying of the wounded for water, the shrieks of the dying, mingled with the screeching of the shells, made up a scene so truly appalling and horrible, that I hoped to God, that I might never witness such another; but not so, after we shelled the woods opposite us and driven two rebel batteries off, we were ordered to relieve a regular battery, about one thousand yards on our left and front. The Rebels were throwing shell and case shot into them like hail. We took their position and remained on the field until dark, having been exposed to the hottest fire, ever received by any battery.

We lost one man, Sergt. Charles Marsden, killed instantly by a sharpshooter. We also had 10 men wounded, some severely, and a fine horse killed. We have the pleasure of having reecived the credit of having done more service than any other battery on the field. It was near nine o'clock by the time we had picked up our wounded and left the field.

The next morning (Thursday) the Rebs asked for an armastice of eight hours to bury their dead, who literally covered the field, and to carry off their wounded. They were granted six, in consequence of which we did nothing all day except bury our dead and relieve our wounded. We have lost a large number. During the night we were roused by the rattle of musketry, which proved to be picket skirmish, which lasted about 10 minutes and all was quiet again.

This morning we found that they had left, leaving their pickets out until nearly day break. The whole army immediately followed in pursuit. We are now on the Potomac near Shepardstown, how close we are to them I do not know.

The scene which the battlefield presented this morning, as we crossed it was awful in the extreme; the stench was awful, the field still being full of dead Rebels, who, their comrades, in their haste to get away, left unburied.

Since the 15th of Aug. we have had scarcely any rest, marching and fighting alternately almost all of the time. It is now almost nine o'clock, nearly time to put out the camp fires, and as I am writing this, by one, in the absence of a candle, I must close this up.

Just imagine me sitting on the ground, along side of a camp fire, with a sheet on my knee, trying to write a letter, and you have the picture, which I now present.

Give my kind regards to all of friends, and tell them I will write to them, the first opportunity. You may read this to them if you choose, it may be interesting to them. My love to all the family, and kiss Alice and Harry for me. We may be off before daybreak and in another fight before you receive this, If so, I will do my best to escape (as Thank God, I have done so far) and should I fall, teach my children to hate a Rebel as they would a rattlesnake, and love the Flag, (for which their

father fought and died) next to their God. The fire is dying out, and I must close. Believe me, as ever

Your affectionate Son

Lieut. Jas H. Rigby
Battery A, 1st. Md.-Art'y
Slocums' Division, Franklin's Corps.

The Maryland Battery at Fredericksburg
On the Battlefield of Fredericksburg
Sunday 12th [December] 1862

Dear Father,

You will without doubt, be a little surprised at my writing a letter upon such a sheet of paper as this; but when I tell you the story of it and its miraculous escape from total annihilation, you will at once see that it is a relic from the Battlefield of Fredericksburg, and perhaps, the last one I shall ever send you. We had just silenced a battery in front of us, and were resting ourselves, when a battery opened upon us from our extreme left, delivering an ineffective enfilading fire. While we were watching the shells from this gun, whizzing across our rear, some one remarked, that if he had a sheet of paper, he would write a letter, when bang went one of these shells, and up flew a quire of paper. The 14th. Brooklin Regt was lying in our rear; the shell struck the knapsack of one of the men, and knocked it all to pieces, scattering everything in every direction, and among the rest, this paper. So we concluded we would write.

[The paper is badly crumpled in the upper right hand corner.]

We left Muddy Creek on Tuesday evening at dark, travelled all night, and rested the next day. Started the next evening at dark for the Heights opposite Fredericksburg. We arrived there about 10 o'clock that night and took up our position in the dark, to conceal our movements. This was the massing of all the Artillery, under Co. De. Russy, to protect the Pontonniers while throwing three bridges across the river. We opened upon them about daylight in the morning. (I presume, much to their surprise.) The Pontonniers succeeded, with considerable loss, in finishing the bridges that afternoon. The troops commenced crossing about dark, and had a small skirmish with the Rebs. We crossed the river on Friday afternoon.

Saturday morning we took up a position to shell a woods. We fought all day, pretty hard, when darkness closed the fight. We had one piece, belonging to Binyon's section,[2] dismounted and two men killed. One of

[2] First Lieutenant Thomas Binyon of Baltimore was mustered into service August 20, 1861, and mustered out on November 10, 1864, at the expiration of his term of service. Born 11 July 1838, he died 28 September, 1893, and was buried in Green Mount Cemetery, Baltimore. *ibid.* 797, and Dielman File, Maryland Historical Society.

my men lost an arm, which is all the damage we have had as yet. This morning the ball opened with a lively tune about daybreak, and lasted about two hours. It is now perfectly quiet. (one o'clock P.M.), and we are writing; some on a board, some on a Gunner's haversack, some on their knees. I am writing on a cracker box. The facilities for writing are not very extensive on the field. The Rebels have a very strong position in the rear of Fredericksburg, and will give us a hard fight; they appear to be in strong force.

Give my kind regards to all my friends, and my love to all my relations. Give my love to all the family. Kiss Alice and Harry for me, and accept my love for yourself.

If I should fall in this battle (which I have no doubt will be a long one) you may rest assured that it will be with my face to the foe. Teach my children that I fell, fighting for the Flag that has always protected Virtue, Honor, and Independence, and punished Vice, Oppression, and Tyranny. This I know you will do, without any Instructions from me, but I cannot help it. The Rebs have opened upon us again; I must stop. Goodbye, and if forever, still goodbye.

Your affectionate Son

Jas. H. Rigby.

A WAG'S HARD LOT

By Aubrey C. Land

When that immense treasure-trove, the Maryland legal records, is explored as fully as it deserves many a tale worth telling will come to light. The work will employ many hands and the nuggets unearthed will vary in value. But even the smallest properly assayed will add to our store of solid historical wealth. Many apparently trivial incidents suggest larger principles. Certainly these minor episodes bring new hues to the colorful mosaic of eighteenth century Maryland. For instance consider the case of William Creek, indentured servant, who came to Anne Arundel County court in March 1737 with a story that improved with every scrap of evidence before the bench.

Creek first told the justices that he was an East Indian, an uncommon origin for an eighteenth century Marylander. At a tender age, he continued, he had been taken from his home in the East Indies to England, there baptized a Christian, and apprenticed to a London apothecary whom he had served long enough to acquire a strik-

ing insight into the mysteries of dispensing medicine. For "some displeasure or offense" that Creek gave his master he had been shipped to Maryland consigned to Samuel Chew, a Western Shore merchant, to serve seven years as an indentured servant. During these years Creek's papers of indenture setting forth the exact terms of service disappeared. Meanwhile Chew proposed that Creek continue as a servant with the family. Creek admitted that he had accepted this proposal of continued service, not however, "suspecting or doubting that your petitioner should be reckoned as a slave or transferred from one to another as such." Altogether Creek had remained with the family for nineteen years, until the death of Samuel Chew, senior. Now he had come to court because he considered it "very hard and illegal to oblige your petr. to serve any longer," and he begged the judges to do what was "just and legal." [1]

Aside from the unusually long term of servitude and his uncommon nationality there was little extraordinary in Creek's recital. The witnesses give a new turn to the case. Creek had proceeded by informal petition, a frequent mode to transacting business before the lower courts prior to the Revolution. The justices saw fit to probe deeper into the story and called witnesses who amplified the recital and disclosed the nature of the "offense" that started the tribulations of William Creek.

It appears that Creek's chief mistake lay in his attempt to mix humor with the pharmacopia. One day while his master, Harriss the apothecary, was absent from the shop an old customer came in to purchase one of those popular eighteenth century potions, a love powder. Creek saw the opportunity for a truly Rabelaisian prank. Obligingly he prepared a dose of cantharides and handed it over. Evidently the customer, whether man or woman we are not told, was unable to follow Creek's excursion into humor and protested to the apothecary. The ladies of the family — Harriss' wife and daughter—"were so offended at it that they would not suffer the said Creek to live in the family." [2] Doubtless, too, the apothecary himself had reason to wonder whether a prankster would be a business asset. At any rate Harris sold his misguided apprentice into indentured servitude.

The career that had begun in good fun, however, appeared likely to end darkly. Further testimony reveals the immediate reason for Creek's suit and clarifies the meaning of those cryptic words in his

---

[1] Petition of William Creek, Anne Arundel County Court Judgements, Liber IB #2, folios 126-127.

[2] Affirmations of Peter Galloway and Samuel Chew of Maidstone, *ibid.*

petition, " never suspecting or doubting that your petitioner should be reckoned as a slave or transferred from one to another as such." Old man Chew had died. Creek, apparently an indentured servant, was property and subject to sale. His dark color exposed him to the danger of being confused with negroes of the half blood, who were slaves. The very wording of his petition—" never suspecting or doubting that your petitioner should be reckoned as a slave "—speaks eloquently to his foreboding. East Indians were rare in early Maryland, though Creek was not the unique representative of his race. It is quite possible that Creek knew of another person whose circumstances had once been strikingly similar to his own. Exactly fifteen years previous, four years after Creek's arrival in the province, another East Indian, Andrew Rent of Anne Arundel county, had brought suit against his master to avoid being sold as a slave for life. Rent, too, had arrived in the colony as an indentured servant by way of England and had been bought by William Nicholson, an Anne Arundel county merchant. On Nicholson's death the executors of his estate sold Rent into lifetime bondage. Rent had then appealed to the Provincial Court and had won his freedom. Nonetheless the shadow of permanent bondage had hung over Rent as it did now over Creek.[3]

The issue of Creek's petition was happy. He escaped the fate of permanent servitude as had his fellow countryman residing in the same county, though he had paid for his prank with the hard lot of a bondsman for nineteen years. " The Court viewing the said William Creek after mature deliberation being had thereupon it is considered by the Justices here that [he] is an East-Indian and that he is discharged forthwith from any further service according to his petition." [4]

[3] Petition of Andrew Rent, Provincial Court Judgments, Liber WG #1, folio 645.

[4] Anne Arundel County Court Judgments. Liber IB #2, folio 127.

REVIEWS OF RECENT BOOKS

Fabric of Freedom, 1763-1800. By Esmond Wright. New York: Hill and Wang, 1961. xiii, 298. $4.50.

This volume is a general study of the emergence of the American nation between 1763 and 1800. Written by Esmond Wright, professor of modern history at the University of Glasgow, it is part of the six-volume *Making of America* series. For the most part, it is a work of synthesis rather than of original research. It demonstrates wide-ranging knowledge of a vast secondary literature; contains a number of happily phrased, if not entirely new or original, insights and interpretations; and exemplifies current trends in scholarship on the period, playing down the importance of long range determinants and stressing the role of chance, accident, individuals, and immediate contingencies.

For the years from 1763 to 1776 Wright emphasizes both the complex character of the Revolutionary movement and the importance of events, policies, and individual actions, as opposed to pre-1763 tensions within the empire, in producing the Revolution. Denying that the Revolution was either inevitable or predetermined, he argues that "Revolutions, like other human phenomena, are caused by decisions taken—or not taken by individuals." In each of these respects, Wright follows the pattern of recent studies of the origins of the Revolution. In contrast to most recent American writers, however, Wright, building upon the Namier school's studies of British politics during the era of the Revolution, puts less stress upon American grievances and more upon the failures of the British government. The Revolution, he contends, was not due to trade grievances, aversion to taxes, lack of representation in Parliament, Britain's western policy, rising American nationalism, or the inability to recognize the virtues of an imperial federation but to "the failure of a government to govern," "executive weakness," "parliamentary . . . vacillation," "chronic irresolution," and "mounting and mutual anger and bitterness"—all of which contributed to the development of a situation "from which there was no escape except by force." Victory in the Seven Years' War produced a greater awareness of the importance of the colonies and caused Parliament and imperial officials to give them more attention and to adopt a more systematic colonial policy. The American challenge to that policy

in 1765-1766 during the Stamp Act crisis indicated the necessity of standing firm, but the frequent changes in ministries and the parochial orientation and indifference of most British politicians towards American affairs made any systematic or firm approach to the American problem impossible. The result was "neither a large nor a consistent policy, but a mounting series of irritations." The decisive event was the Tea Act. American reaction to that measure finally convinced the British of the necessity of acting resolutely, but by that time it was too late. The earlier policy of vacillation had not only alienated the Americans but also encouraged their resistance, and they had already developed all of the ingredients for a revolution — a body of doctrine, agencies for united action, and a galaxy of able leaders.

Perhaps the best section of the book is the treatment of the war years. Indeed, Wright's analysis of the reasons for the British defeat is unusually penetrating and is probably the best short account of that subject yet published. Although he recognizes that "lack of energy at the center" was important, he argues against the thesis that the war was planned and lost in London and places primary responsibility upon the field commanders—all of whom, with the exception of Carleston, demonstrated indecisiveness, lack of judgment, recklessness, or some unfortunate combination of these traits. But bad generalship and poor over-all planning were not the only elements in determining the outcome of the war. Also important were geography, poor British intelligence, ineffective use of loyalists, the British decision to use Hessians and Indians, French aid to the Americans, and Washington's dogged and effective leadership. In his treatment of the home front Wright, as is currently the fashion, places less emphasis upon the internal revolution than did scholars a generation ago. He agrees with Carl Becker that the Revolution was in part a struggle over "who should rule at home," but he conceives of that struggle in much broader terms, not only as a fight of class against class but also, and more important, of section against section, colony against colony, and patriots against loyalists. Antedating the Revolution, these internal conflicts went on simultaneously with the Revolutionary movement but had relatively little impact upon it. Nor did they produce a social revolution, although they did contribute to what Wright considers were the three major political and social changes that accompanied the Revolution: the profits gained by farmers and financiers, the elimination of the loyalists, and the reconciliation of the principles of liberty and order in the constitutions of 1777 and 1787.

The last third of the volume is concerned with the immediate

fruits of the process of nation-building begun in pre-Revolutionary years. Like Charles A. Beard and Merrill Jensen, Wright views the Articles of Confederation sympathetically. But, unlike those scholars, he stresses the "accidental origin" of the Federal Convention of 1787. Although he concedes that the Constitution—like "most great developments in human history"—was drafted and enacted by a small group of determined men acting without legality, he does not see that document as a selfishly motivated and antidemocratic reaction against the Confederation. The chapters on the new Federal government rival those on the war years in quality. Containing a particularly perceptive treatment of Washington as President, they reveal a keen appreciation of his contributions in organizing the government and in promoting unity; of Hamilton's importance as the creative energy of the administration, as the brilliant architect of financial stability and as the unwitting *provocateur* of faction and party; and of Adams's relative success as President despite opposition both from within and without his party. By 1800 the American people had already woven the essential threads into their "fabrick of freedom": a strong sense of nationalism, the principle of neutrality in foreign affairs, democratic republicanism, and a kind of pragmatic rationalism.

Individual scholars may disagree with Wright on matters of emphasis, but his general interpretation is intelligent and convincingly argued. Lamentably, however, his volume contains a number of minor errors of both fact and interpretation. For instance, it is distressing to read that the colonial governor was "frequently an absentee" (p. 5); that the struggle over the power of the purse between governors and assemblies, which had been resolved in most colonies in favor of the assemblies early in the eighteenth century, was "everywhere in evidence in the decade before 1763" (p. 5); that the regulators "captured control" of the North Carolina Assembly in 1769 (p. 142); and that the elimination of the loyalists "marked the disappearance of most of the colonial aristocracy" (p. 154). These and similar errors aside, Wright has produced a work of rare balance and sophistication, as useful and lucidly written a summary of the creative years of the Revolutionary generation as has yet appeared in print.

JACK P. GREENE

Institute of Early American History and Culture

Canada and the United States: The Civil War Years. By ROBIN W. WINKS. Baltimore; Johns Hopkins Press, 1960. xxii, 430. $6.50.

Historians have long noted the vulnerability of Canada in event of trouble between the United States and Great Britain, and the present study of Canadian-United States relations during the Civil War—when Britain was threatening to intervene on behalf of the South – treats this theme with admirable thoroughness. Robin Winks has done a job here which no scholar will need to redo. He has left almost no material unsearched, whether manuscript . . or published, in this country or Canada. A buff on his subject, he relates in a footnote that he went out to an island to investigate the place where an ex-Confederate ship beached in 1881 and where, with luck, the hulk might still be. He did not find that particular hulk, but similar thoroughness appears throughout the book.

It is pleasant to relate, moreover, that the author has not allowed the massiveness of his research to pull down his narrative, for he writes with sharpness and literary style. Without craftsmanship this book would fall of its documentary weight, and it is a testimony to the author's abilities that he can write so well on an extremely complicated subject. He even barbs some of his narrative with advice to diplomatic historians. The reviewer, who likes to write about American diplomatic history, winced once or twice under the author's quotation of G. M. Young's "classic description" of diplomatic history as "what one clerk said to another clerk." Still, the barbs spice the narrative—to indulge in a terribly mixed metaphor – and readers will find these and other remarks piquantly enjoyable.

Winks thus sets out his subject with grace as well as care. He shows that during the nineteenth century there often was conflict between the United States and Canada, and certainly no century of peace as we have been led to believe. The first half of the period, from 1815 until 1871, saw Canadians constantly fearing attack and Americans looking forward to it. As the Chicago *Tribune* announced in the middle of the Civil War, the North should take Canada by the throat and throttle her "as a St. Bernard would throttle a poodle pup." The Canadians had little sense of unity of culture—indeed they possesed no cultural unity—and until 1867 had no political union. In Britain the Little Englanders saw no reason to protect Canada. Protection was impossible anyway. The crisis of the Civil War, especially the *Trent* affair and the St. Albans raid, brought the specter of annexation. As the war moved on through its four long years, with the result in doubt at least until 1863 and perhaps into 1864, the Canadians did not quite know what to do.

They were not anti-South, and passed a stringent neutrality act only at the end of the war. The Confederacy wanted Britain's involvement in the war and was willing to provoke trouble in or from Canada to get it, but its supporters and agents showed little talent for intrigue in Canada and efforts were for the most part puerile.

This book radiates interest and enthusiasm. It is a fine thing to see a scholar really interested in his work, willing to indulge in a labor of love rather than a gritty effort to "get the book out." One looks forward to more such volumes from this talented author.

ROBERT H. FERRELL

Indiana University

Seventeenth Century America: Essays in Colonial History. Edited by JAMES MORTON SMITH. Chapel Hill: The University of North Carolina Press, 1959. Published for the Institute of Early American History and Culture. Williamsburg, Va. vi, 238. $5.00.

This book represents a compilation of the scholarly essays presented at a series of "working conferences" in 1957 to commemorate the beginnings of what would become the United States at Jamestown in 1607. It examines "some of the more important manifestations of the American colonial experience," and in so doing questions some long held beliefs very successfully. A few of these are Emil Oberholtzer's description of the separation of church and state in Massachusetts Bay ("The Church in New England Society"), in which he points out several incidents indicating that this belief was held by the fathers of New England. It was, however, a tenuous principle, the exceptions which break the rule still being the famous cases of Roger Williams and Anne Hutchinson. Besides the main thesis, the research for the article evokes many discussions, principally on the nature of the church covenants.

The essay by William H. Seiler, "The Anglican Parish in Virginia," throws new light on the Anglicanism of the Old Dominion, that Virginians, generally speaking, in the seventeenth century were of the low church variety; which tends further to buttress the Wertenbaker thesis that the first century produced an agrarian political democracy here. Thus the inhabitants were democratic in religion as well as in politics.

Because of the necessity of brevity in this review, the various essays cannot be more fully described. Suffice it to say that this small volume contains a tremendous store of new and often provocative information. It probes the relationship of the colonists with the Indians, the people and their society, church and state, even the seventeenth century historian.

RICHARD WALSH

Georgetown University

The Kings Chevalier: A Biography of Lewis Littlepage. By CURTIS CARROLL DAVIS. Indianapolis: Bobbs-Merrill Co., 1961. 442. $7.50.

In the last decade of the eighteenth century, three notable Americans ventured beyond what is now called the Iron Curtain to seek fortune and glory. Full-length biographies of two of these (Joel Barlow and John Paul Jones) have appeared in recent years; now we have the third, Lewis Littlepage. The last is by far the best in its portrayal of the era, particularly the atmosphere of European courts. In tracing his subjects's persistent quest for status and wealth, Mr. Davis has written a fascinating historical travelogue and a veritable directory of personalities in continental high life.

Littlepage was indeed a "Virginia gentleman, poet, military strategist, soldier of fortune, diplomat, associate of kings, statesmen and philosophers." But unfortunately he was not a philosopher himself. An associate of Franklin and Jefferson, he seems never to have expressed a single idea. Although he published some poetry and *pièces justificatives,* his outstanding literary achievement was a *bon mot* concerning a directive banishing him from Austria. When his patron, Stanislas of Poland, advised him to visit Carlsbad, he replied, "You forget, Sire, that that place is in *Austrian* Territory, where I could no longer purge with honor." Apart from this gem, the letters of Littlepage are primarily concerned with intrigue and personal finances.

Littlepage was not a man whose contribution to history can be called significant. Indeed it may be questioned whether he made any contribution at all—except possibly through his military service, very little of which was under the flag of his native country. Occasionally he served as a go-between or diplomatic courier. His most important assignment was to carry to Europe the funds for

Houdon's statue of Washington, and then he used part of them to pay a private debt in New York.

He devoted himself to the lost cause of the last benevolent despot of the Enlightenment, Stanislas II, and the ill-fated republic of Poland, but through the struggle and sacrifice of thousands of patriots he remained indifferent to the principles and ideals involved, concerned only for his personal glory and fortune. But he was always gallant and occasionally very generous.

Even though Littlepage himself made only a minor scratch on the tableau of history, Mr. Davis gives his reader a great deal of historical information. Indeed the great value of the biography rests in the narrative skill of the author. Without manipulating truth, he makes his subject's romantic conquests seem as glamorous as those of Casanova; his military incursions as exciting as those of Lafayette; and his diplomatic contrivances as adroit as those of Talleyrand. Only in retrospect does one realize that Littlepage was not a Casanova, a Lafayette, or a Talleyrand.

ALFRED OWEN ALDRIDGE

University of Maryland

Recording America's Past: An Interpretation of the Development of Historical Studies in America, 1607-1884. By DAVID D. VAN TASSEL. Chicago: University of Chicago Press, 1960. xii, 223. $6.

This book deals with the whole range of American historiography up to the founding of the American Historical Association in 1884. The author considers early historians, societies, and activities to provide a chronological, and subsequently, a different approach to the subject. Michael Kraus uses the biographical approach, while Hugh Hale Bellot and Thomas J. Pressly both use the topical approach. Van Tassel's book is, therefore, a study of how American historiography developed as it did in what he has termed " the age of the amateur historian."

In reading this book, one is inescapably drawn to several conclusions. First, New Englanders were the most prolific of our early historical writers, and in the forefront of these were the Congregational clergymen. Second, there were almost no contributions made by Marylanders in the early period. Finally, amateur historian and the early historical societies did much to collect, preserve,

and encourage the publication of the private papers of many leaders as well as works of local history.

Van Tassel has made an important contribution to the literature of American historiography. By praising the role of the historical society and its emphasis on the growth of American nationalism, he has focused attention on an almost hitherto neglected aspect of American historical writing. The local historian should not overlook this book if he is to study the development of historical studies in the United States and what was published, at least to the time of the appearance of the professional historian in 1884.

FRANK F. WHITE, JR.

Maryland Hall of Records

The Campaign of 1781 in the Carolinas with Remarks Historical and Critical on Johnson's Life of Greene. By HENRY LEE, JR. Chicago: Quadrangle Books, Inc., 196. xlvii, 511. $10.00.

This volume is a reissue of Henry Lee Jr's defense of his father's (Light Horse Harry Lee's) command in South Carolina under Nathanael Greene. First published in 1824. The author's purpose was to vindicate Lee and to balance the judgement of his actions laid down by William Johnson's far too favorable biography of Nathanael Greene, in which Light Horse Harry is made a scapegoat, particularly for Greene's retreat before Cornwallis in 1781. It was Lee who fought brilliant rear-guard action but whose service was unknown to Greene, and it was Lee who delivered the sound advice to keep Greene in the Carolinas rather than re-engage Cornwallis in Virginia—good reasoning because resistance was needed in the Carolinas in order to keep the revolution alive in that region and to hold the people there in the American camp.

Lee's book has been, since its first publication, an important source in American Revolutionary history. Semi-memoir in content, it was valuable but, unfortunately, until now, rare. Its republication in offset under the *American Classics* series by O. Lawrence Burnette, Jr. constitutes one of several highly worthwhile editions. The editor and publishers are to be commended for the work.

RICHARD WALSH

Georgetown University

Letters of a Civil War Surgeon. Edited by PAUL FATOUT. West Lafayette, Indiana; Purdue University Studies, 1961. 110. $2.25.

These letters as edited are excellent as the writer is very observant and has the ability to express himself well on paper. His interest in military affairs is outstanding and one can trace his development as a soldier quite easily.

The paragraphs of explanation and notes supplied by the editor are somewhat deficient. This is particularly true as to the geography of Virginia. Other errors are noted as to specific items. One letter has been placed one year out of sequence.

The letters do not add anything to the general knowledge of Civil War events and happenings, but, for a look into the personal life of a participant, this book is recommended.

ROGER S. COHEN, JR.

Glen Echo Heights, Md.

True Tales of The South At War: How Soldiers Fought and Families Lived, 1861-1865. Collected and Edited by CLARENCE POE. Chapel Hill; The University of North Carolina Press, 1961. xii, 208. $2.95.

Clarence Poe, senior editor and board chairman of The *Progressive Farmer* magazine since 1954, and president and editor for fifty years previous to that time, has collected together in this volume a heartwarming but undocumented group of stories about his beloved South. Of particular interest to Marylanders are the descriptions of Rockville in June, 1863 (p. 12), Berry Benson's exciting escape from Pt. Lookout (p. 39-49), and Henry Rudasill's experiences in a Baltimore hospital (p. 142). It is unfortunate that Dr. Poe chose not to document his selections, for certainly among his readers there will be scholars who will wish to know more about some of the tales, particularly the diary fragments.

C. A. P. H.

BOOKS RECEIVED

President James Buchanan, A Biography. By PHILIP S. KLEIN. University Park; Pennsylvania; The Pennsylvania State University Press, 1962 xviii, 506. $7.50.

The Growth of Southern Civilzation 1790-1860. By CLEMENT EATON. New York; Harper Brothers, 1961. xvii, 357. $6.

A Calendar of Ridgely Family Letters 1742 - 1899. Volume III. Edited and compiled by LEON DE VALINGER, JR. and VIRGINIA E. SHAW. Dover, Delaware: Published privately by some descendants of the Ridgely Family for the Public Archives Commission, 1961. 396.

Brewed in America: The History of Beer and Ale in The United States. By STANLEY BARON. Boston: Little, Brown & Co., 1962. xiv, 424. $7.50.

The Fabulous Octogenarian; Life, Love, Labour, Lore, Legend, Language, Laughter of Courtney W. Shropshire, M.D. By JAMES CHANCELLOR LEONHART. Baltimore; Redwood House Inc., 1962. xxx, 394. $5.75.

Commander of the Army of the Potomac. By WARREN W. HASSLER, JR. Baton Rouge; Louisiana State University Press, 1962. xxi, 281. $6.

The Papers of James Madison. Volume I. 1751 - 1779. Edited by WILLIAM T. HUTCHINSON AND WILLIAM M. E. RACHAL. Chicago; The University of Chicago Press, 1962. xlii, 344. $10.

Old Homes and History of Montgomery County, Maryland. By ROGER BROOKE FARQUHAR. Silver Spring, Md.; Published by the author, 1962. x, 366. $15.

Puritan Protagonist: President Thomas Clap of Yale College. By LOUIS LEONARD TUCKER. Chapel Hill; The University of North Carolina Press, 1962. (Published for The Institute of Early American History and Culture at Williamsburg.) xv, 283. $6.

A Concise Natural History of East and West Florida. By BERNARD ROMANS. Introduction by REMBERT W. PATRICK. Gainesville; University of Florida Press, 1962. lii, 439. $8.50.

The Life of Dr. Samuel A. Mudd. Edited by his daughter, NETTIE MUDD. Saginaw, Mich.: Privately printed by Richard D. Mudd, M.D., 1961, 303. $6.

NOTES AND QUERIES

COVER PICTURE

Extraordinary appearances in The Heavens, and on Earth.
Aug^{s}. 2^{d}. 1797

The cover picture of this issue is a watercolor by Benjamin H. Latrobe, illustrating a scene of the 1790's which the artist encountered en route to Richmond. More particularly it describes the occurrence of a natural phenomena, a gigantic rainbow. The artist's explanation follows:

> The appearance of the rainbow was for about 10 minutes nearly like the drawing. The Rays then began to play very much like those of the Aurora borealis. They appeared to be rather occasioned by a luminous perhaps electrical fluid, than by the reflection of the solar light. However the center of the Rainbow was also the center from which they diverged.—
>
> I observed this Rainbow the more particularly, as all the passengers in the stage were obliged to get out, on account of a Waggon which stopped up the road down Churchhill. One of the horses, had fallen down in convulsions & was to all appearance dead. He was dragged from under the pole, but the negroes attempting to throw him into a gulley, one of them laid hold of his tail to pull him away. In a moment however he revived, and trotted up the hill the Negroes still holding fast by his tail, lest he should escape.—

The picture and quotation are taken from the Latrobe Collection in the Maryland Historical Society.

R. W.

The State of North Carolina Department of Archives and History announces the publication of a brochure, *North Carolina Newspapers on Microfilm: A Checklist . . .*

H. G. JONES, State Archivist
Raleigh, N. C.

Jameson (of Charles County)—William Jameson, Sr., wife unknown but possible a Miss Mudd, had sons Willie and Thomas who married first a Miss Gardiner and second Sarah Ann Love, daughter of Judge Philip Greenwell Love. Thomas Jameson by his first wife had a daughter, Bena, who married William Sanders; other

children of Thomas Jameson, and by his second wife, were Thomas H. Roseline A. and Josephine A., who married ——— Wurdeman. Also wanted is information as to the marriage of William Jameson, Sr., above, date and place of death of him and his wife (or wives).

RICHARD D. MUDD, M.D.
1001 Hoyt Street, Saginaw, Mich.

Iams—I need information regarding names of parents of Richard Iams, born Maryland about 1741-1749, died Greene County, Pa., about 1834-1835; also proof of marriage to Elizabeth Pottenger in Washington County, Md., about 1780. Elizabeth was born in Maryland about 1758, died Green County, Pa., after 1830.

ERVIN F. BICKLEY, JR.
Sleepy Hollow Road, New Canaan, Conn.

Swift—I am seeking information as to the ancestry and descendants of Mark Swift and his wife, Elizabeth, who lived in St. George's Parish in Baltimore (now Harford) County 1696. They both died in 1708-1710. Their son, Flower, married Elizabeth Whitaker and they had a son, Thomas, who lived in Frederick County and then moved to Randolph (then Orange) County, N. C., where he died and his will probated in Feb. 1807. What kin was this Swift family to the Dean of St. Patrick's and to the Swifts on the Eastern Shore of Maryland? Flower Swift is said to have started on a voyage to England 1742-1746 and lost at sea with valuable papers. What relation was Thomas Staley or Sealey who was an uncle to Elizabeth, wife of Mark Swift?

Whitaker—I am also seeking information as to the ancestry and descendants of Mark Whitaker and his wife, Catherine. They lived in St. George's Parish in Baltimore (now Harford) County when their daughter Elizabeth, was born in 1704. She married Flower Swift. Mark Whitaker remarried after the death of Catherine in 1717. He died in 1729. A Mark Whitaker was clerk of the vestry of St. George's Parish to 1728. What was the maiden name of Catherine, the wife of Mark Whitaker? Was her name Wilson? Were the Whitakers of the Eastern Shore related to these Whitakers?

Maysey (Macy)—I am seeking information as to the ancestry and descendants of John Maysey who was a resident of Fairfax County, Va. from 1748 until his death in 1760. His wife, Mary, in 1748

was a granddaughter of William Spiller of Prince William County, Va. At his death in 1760, the wife of John Maysey was Lettice. Of the four children: Mary, Robert, Ann and Charles, which wife was the mother of each. Was this family connected with the Masseys of the Eastern Shore, coming up from the eastern peninsula of Virginia? Tunnells were in that area and also in Fairfax County.

E. E. MACY
726 Seventh, Astoria Oregon

CONTRIBUTORS

MARY JANE DOWD is employed in the National Archives. She is a graduate of Johns Hopkins from which she received her Masters in history. This work on the post Revolutionary period was undertaken under the mentorship of Professor Charles Barker of the Johns Hopkins University.

FREDERIC SHRIVER KLEIN is Professor of American History at Franklin and Marshall College, Lancaster, Pennsylvania. He is the author of *Lancaster County Since 1841, The Spiritual and Educational Background of Franklin and Marshall College,* and numerous articles on state and local history in the Pennsylvania-Maryland area. In addition to teaching college courses in Civil War history, he conducted the "Great Centennial" weekly programs on WBAL-TV during 1960-61, and is Chairman of the Lancaster County Civil War Centennial Committee, and President of the Lancaster County Civil War Round Table. Professor Klein, with his brothers, owns the historic Shriver Homestead at Union Mills, Maryland, along Pipe Creek, and has been endeavoring to preserve the 18th century estate as an historic shrine.

AUBREY C. LAND is Professor of History and Chairman of the Department at the University of Maryland. In addition, he is author of many scholarly articles and of the important book, *The Dulanys of Maryland* (1955).

FRANCIS F. BEIRNE, well known to the readers and members of the Society as editorial writer for the Baltimore Evening Sun, is author of several highly regarded books on American and Maryland history: *The War of 1812* (1949), *The Amiable Baltimoreans* (1951), *Baltimore: A Picture History* (1957), and his latest, *Shout Treason: The Trial of Aaron Burr* (1959).

LYMAN H. BUTTERFIELD is editor in chief of the Adams Papers.

IN 1902—

when we reached the age of 23

James F. Jeffries defeated Robert Fitzsimmons in championship fight.—*July 25.*

The first woman lawyer was admitted to the Maryland Bar.—*Sept. 24.*

Bronze statues of Charles Carroll of Carrollton and of John Hanson, both contributed by the State, were placed in Statuary Hall in the Capitol of the United States.—*Dec. 4.*

★ ★ ★ ★ ★ ★ ★

"FRATERNITY FREDDIE" asks:

"HOW HARD WILL *YOUR* CHILDREN LABOR?"

Give them the advantages of a college education. We're taking no chances—each of our children has a COLLEGE FUND account in FRATERNITY FEDERAL SAVINGS. We start 'em young and let Fraternity's GENEROUS dividends (now compounded QUARTERLY) swell the balance.

We KNOW our money is SAFE—

★ FRATERNITY Savings are insured to $10,000.00

by a GOVERNMENT AGENCY.

FRATERNITY

★ *Federal*

SAVINGS AND LOAN ASSOCIATION

764 WASHINGTON BOULEVARD,
Baltimore 3, Maryland

AND

BRANCH: Normandy Shopping Center,
Baltimore National Pike (Rt. 40)
Ellicott City, Maryland

★ *SAVE BY MAIL if you like (We pay postage both ways)*
★ *No PARKING PROBLEMS—Ample Free Parking Lots at both offices*
★ *THREE DRIVE-UP WINDOWS at main office*